

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

ARAPAHO JAMES OLDMAN,  
Defendant.

Case No. 18-CR-20-SWS

Casper, Wyoming

Volume I

January 7, 2019  
8:42 a.m.

TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
BEFORE THE HONORABLE SCOTT W. SKAVDAHL  
UNITED STATES DISTRICT JUDGE  
AND A JURY OF TWELVE AND ONE ALTERNATE

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*Proceedings recorded by stenography; transcript produced by  
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1 (Proceedings commenced at 8:42 a.m., January 7, 2019.)

2 (The following took place outside the presence of  
3 the jury panel.)

4 THE COURT: Thank you. Please be seated. Court is  
5 in session in the matter of the United States of America  
6 versus Arapaho James Oldman, Case Number 18-CR-020. I note  
7 the presence of counsel for the United States, Mr. Conder, and  
8 counsel for the defendant, Ms. Amram and Ms. Hucke.

9 The matter's before the Court on some pretrial  
10 matters that I wanted to address with counsel before we bring  
11 in the jury panel and begin jury selection.

12 First, let me verify with counsel, any objections to  
13 the preliminary instruction packet that was provided to you?  
14 Mr. Conder?

15 MR. CONDER: Your Honor, there's no objection as to  
16 substance. The United States would recommend to the Court  
17 on -- would be page 1, paragraph 3, the first sentence it  
18 refers to the indictment in this case. There's a superseding  
19 indictment. It's a matter of semantics, so that's the Court's  
20 preference.

21 Your Honor, I would just ask the Court to add,  
22 though, that in addition to being charged with Count 1 of  
23 premeditate, the first degree murder, that the Court also add  
24 and aiding and abetting.

25 THE COURT: All right. Thank you.

1 Ms. Amram.

2 MS. AMRAM: Your Honor, we are objecting to the  
3 "beyond a reasonable doubt" language that's in the preliminary  
4 instruction and we request the language that we submitted --  
5 (Reporter interruption.)

6 MS. AMRAM: We are objecting to the "beyond a  
7 reasonable doubt" instruction in the preliminary instruction  
8 and are requesting that the Court use the language that we  
9 submitted in our proposed instruction.

10 THE COURT: All right. I'll overrule the objection.  
11 I believe that the "beyond a reasonable doubt" language as set  
12 forth in the preliminary is consistent with the Tenth Circuit  
13 pattern instruction as well as case law.

14 With regards to the indictment in this matter, here's  
15 how I generally treat that. Superseding indictment is a form  
16 of legal art, but it's not one that I believe that the jury  
17 needs to be concerned about. So I'm not inclined to tell them  
18 there is a superseding indictment. I'm just going to say  
19 there's an indictment. Here's what the indictment alleges.

20 I'm also inclined to read the indictment as it is  
21 stated unless everyone agrees that the Court should not for  
22 whatever reason include Matthew Whiteplume in that reading of  
23 the indictment.

24 Mr. Conder?

25 MR. CONDER: Your Honor, I believe since

1 Mr. Whiteplume will testify, I think reading the indictment as  
2 is is fine.

3 THE COURT: All right. Ms. Amram?

4 MS. AMRAM: We agree he should be included in the  
5 indictment.

6 THE COURT: All right. I will simply then read to  
7 them the indictment as stated. I won't refer to it as a  
8 superseding indictment, though, just because there's no reason  
9 to create that confusion.

10 All right. I believe that addresses the preliminary  
11 instruction issues. One of the things that wasn't identified  
12 in the voir dire or voir dire, or however you want to call it,  
13 the Court's review of the experts in this matter indicates  
14 that there's likely to be quite a bit of I assume photographic  
15 evidence. I haven't looked at all the documents, but do we  
16 have photographic evidence as to the decedent?

17 MR. CONDER: Yes, Your Honor. There are photos of  
18 Mr. Dodge at the scene, and there are also autopsy photos.  
19 The United States has tried to limit those as much as  
20 possible, but those photographs are necessary for the experts  
21 to describe the basis of their opinions, basically just tell  
22 what happened to Mr. Dodge.

23 THE COURT: All right. What I'm inclined to do is  
24 just address with the ladies and gentlemen of the jury that  
25 there will be some photographs; some of them may be graphic.

1 We'll limit them as much as possible. But they will need to  
2 be able to look at those and analyze those in terms of the  
3 evidence and ultimate determinations that they'll be required  
4 to make. I had a murder case one time where I had a couple of  
5 the jurors that had a real hard time. And I want to give them  
6 upfront that information so that we don't have any issues  
7 concerning jurors that are declining or refusing to look at  
8 graphic photos.

9 Any concerns about that, Mr. Conder?

10 MR. CONDER: No, Your Honor.

11 THE COURT: Ms. Amram?

12 MS. AMRAM: No, Your Honor.

13 THE COURT: All right. And go ahead and if you'll  
14 pull your microphones down, I'll let you remain seated during  
15 our preliminary matters.

16 There's a motion in limine that was filed by the  
17 Government regarding Rule 1006 on summaries regarding Verizon  
18 phone calls and/or text messages. Let me first ask Ms. Amram,  
19 what's the defense's position regarding that?

20 MS. AMRAM: I expect we will not object, but I  
21 haven't seen the summaries yet. So I just need to see those.

22 THE COURT: All right. I'll reserve -- I assume  
23 we're not going to need to get into that during openings, so  
24 we shouldn't have any issues yet. So I'll reserve until  
25 you've had an opportunity, and we'll do that then.

1           On Monday, just for scheduling purposes, I have a  
2 naturalization ceremony. I don't know if the kerfuffle --  
3 that's the best, nicest word I can use for Washington, D.C.'s  
4 current situation -- whether that's going to impact that or  
5 not. I don't know if the Immigration and Naturalization  
6 Service is a component of that. But I don't want to continue  
7 that. We have new citizens that are expecting, anticipating  
8 admission. It's at 3:30.

9           What we'll probably do is go through the lunch hour  
10 maybe and just go to 3:00 and recess. But I'll keep you  
11 posted. It may go away because I don't know if they're  
12 functioning or if we can go forward with that given the  
13 current status as to the federal Government shutdown. I'm  
14 trying to get some information, but it seems there's not a lot  
15 of people to answer phones. So I'll keep you posted on that,  
16 but I wanted to let you know that for purposes of scheduling.

17           And we also, to the extent we need to, I'll expand  
18 the day, do whatever so we can -- I know you, Ms. Amram, had a  
19 witness that's going to be testifying on Monday.

20           MS. AMRAM: Well, Mr. Conder and I talked, and he  
21 believes his case will take less time than we originally  
22 thought, in part because of some update I have on the DNA  
23 witnesses, which I can give the Court. But because of that,  
24 Mr. McVicker is actually flying out to testify Thursday,  
25 possibly Friday morning. So that is worked out.



1           THE COURT: All right. What -- and that brings up  
2 then the next question. What is the anticipation right now?  
3 I'm not going to hold you to it, but when do you think that  
4 the evidence, if you were to predict at this point in time,  
5 when do you think that evidence would be complete, Mr. Conder?

6           MR. CONDER: Your Honor, if everything remained on  
7 track, the United States would anticipate noontime on  
8 Wednesday. Unforeseen circumstances, things go, I would  
9 imagine by the close of business on Wednesday we should be  
10 done, Your Honor.

11           THE COURT: All right. Ms. Amram, assuming that?

12           MS. AMRAM: My best guess would be end of the day  
13 Thursday. But I think partly it will depend on how the  
14 testimony turns out from the Government and who we end up  
15 needing to call.

16           THE COURT: I ask that only because I want to talk to  
17 the jury about how much time we anticipate expecting their  
18 resources. And so what I'll tell them is we would anticipate  
19 having this case to them by Friday, and that should be safe.  
20 That should give us some time. Any concerns as to that,  
21 Mr. Conder?

22           MR. CONDER: No, Your Honor. I think that would be  
23 accurate.

24           THE COURT: Ms. Amram?

25           MS. AMRAM: Correct.

1           THE COURT: Okay. All right. I believe that covers  
2 my checklist.

3           Any additional items, Mr. Conder?

4           MR. CONDER: Nothing from the United States, Your  
5 Honor.

6           THE COURT: Ms. Amram?

7           MS. AMRAM: A couple things, Your Honor. One, I  
8 wanted to let the Court know that we have not yet provided  
9 paper copies of exhibits, and the reason for that is the vast  
10 majority of them are potential impeachment documents. And we  
11 have eight banker boxes downstairs. So I talked to your  
12 clerk. But we have paper copies of everything, and we have  
13 everything in Trial Director so we can get it to the Court  
14 before the witness testifies if the Court wants or the morning  
15 before the witnesses testify. But in light of how voluminous  
16 the documents are and that, they are impeachment. We did not  
17 give the Court like 20 binders today. So I did want to give  
18 you a heads-up about that.

19           THE COURT: Do you have them in electronic format?

20           MS. AMRAM: Yes.

21           THE COURT: What I would suggest then is make sure  
22 that we have the ability to display those if you're intending  
23 to use those during examination of -- cross-examination just  
24 so that we can have them ready to go. And if need be, I  
25 assume your staff is ready to put up whatever exhibit it might

1 be.

2 I can control the output on this, and what I will do  
3 is if an exhibit is not admitted, please tell me that before  
4 you push it out so that I can make sure we don't have it  
5 displayed to the jury or to the audience. Once -- if there's  
6 some foundational issue that we have to address, once we've  
7 done that, you can move for its admission. I'll either admit  
8 it or not. If I admit it, then I'll publish it and then the  
9 jury will be able to see it and follow along.

10 The only limitation we have right now is we've had a  
11 glitch with the Madden unit, as I understand it. So we may  
12 have some workaround to that. But we'll work on that. But  
13 just so that we don't have any concerns as to the ability to  
14 publish that or to display it. Obviously, if it's  
15 impeachment, it won't be admitted, but it can be shown under  
16 circumstances to the ladies and gentlemen of the jury for  
17 purposes of impeachment only.

18 MS. AMRAM: And, Your Honor, we do also have paper  
19 copies that we will bring up before -- you know, when we're  
20 getting ready for the witnesses. Just so the Court knows, out  
21 of an abundance of caution, we have multiple copies of  
22 everything.

23 THE COURT: All right. Well, I -- unless our  
24 electronics go down, obviously counsel need to confer and see  
25 what you have, but I'm -- I don't want you to break your backs

1 hauling paper.

2 MS. AMRAM: The other thing I wanted to ask was for  
3 jury instructions for objections to the Government's  
4 instruction. Is it okay if we do that orally during the jury  
5 instruction conference, or does the Court need us to do that  
6 in writing?

7 THE COURT: What I will do is we've already taken  
8 your recommendations and placed them into a pile and sorted  
9 them out, and I will then from that prepare. And Ms. Gorman  
10 will work on preparing a final set of jury instructions.  
11 We'll anticipate giving that probably to you Wednesday, and  
12 then you'll have the opportunity to review that. We'll then  
13 go on the -- we'll have an off-the-record discussion initially  
14 to get a feel for what objections may exist. And then based  
15 upon that, we'll then calculate a time to go on the record and  
16 have an on-the-record jury instruction conference.

17 At that jury instruction conference, the case law  
18 will require that you submit any alternative proposed  
19 instructions that you wish to submit that haven't been  
20 included in the packet. But to the extent you wish to object  
21 to an instruction proposed by the Court, you may do that  
22 orally. You don't need to do a written submission. But we'll  
23 get a pulse and a feel for everything at the time of the  
24 off-the-record discussion so that I can anticipate where you  
25 want to go.

1 MS. AMRAM: And then there were two other things I  
2 wanted to tell the Court about witnesses. One is we are not  
3 calling Dr. Krane, and the Government is not calling  
4 Ms. Conway. And I just wanted to put on the record that we  
5 are not doing that as any kind of waiver of an appellate issue  
6 for the *Daubert* ruling. We just decided it was too  
7 complicated for the jury to have that over-four-contributor  
8 battle. So we have changed the theory to accommodate the  
9 Court's ruling, but it's not a waiver of an appeal of that  
10 issue should Mr. Oldman be convicted.

11 And then the last thing I wanted to tell the Court is  
12 the marshals -- we had a number of witnesses that we asked the  
13 marshals to serve subpoenas for. And some of them they were  
14 able to serve, and some they were not. So we are going to  
15 talk today and see if there's anybody that we can limit to try  
16 to limit how many still need to be served. But we do believe  
17 there are some that we will ask if the marshals can try again.  
18 So I will let the Court know at lunch or at the end of the day  
19 today what witnesses we still think we really need.

20 THE COURT: All right. Anything we can do to isolate  
21 down on exactly who we need to try to identify and get.

22 With regards to the DNA, and I can appreciate the  
23 concern may have been over the Court's head even, but at any  
24 rate, Ms. Garfinkle was actually the -- I think the DNA  
25 casework unit individual that did the DNA. Ms. Conway, as I

1 understood it, was kind of her supervisor that was present.  
2 So is it the intent not to call Ms. Conway or Ms. Garfinkle  
3 regarding items 12 and 53?

4 MS. AMRAM: So Ms. Garfinkle, who did the DNA testing  
5 for all the items, she's coming. Mr. Conder's calling her as  
6 a witness, and so she will testify about all the items that  
7 she tested. But -- and I will cross-examine her. But I'm not  
8 going to go into the plus-four-contributor issue. And so  
9 we're not calling Dr. Krane, and we're not calling -- and he's  
10 not calling Ms. Conway.

11 THE COURT: Gotcha. So 12 and 53 will come in  
12 subject to obviously necessary proof but without waiver of the  
13 prior objection and the *Daubert*.

14 All right. Anything else?

15 MR. CONDER: Nothing from the United States, Your  
16 Honor.

17 THE COURT: Ms. Amram?

18 MS. AMRAM: No. Thank you, Your Honor.

19 THE COURT: I haven't heard, but I'm assuming our  
20 ladies and gentlemen jury panel are being brought up to speed  
21 in terms of the video and being shown that. As soon as they  
22 get done, we'll get underway. We'll have the 31 seated on the  
23 left-hand side, and we'll have the additional on the  
24 right-hand side. We've already pulled the 31 to identify who  
25 those will be. I'm assuming. Is that accurate?

1 THE COURTROOM DEPUTY: Your Honor, I don't have the  
2 list yet, but I will in a few minutes.

3 THE COURT: All right. As soon as we have that list,  
4 we'll get that to you so that you can use it to assist you.

5 We'll be back momentarily.

6 (At 8:58 a.m., a recess was taken until 9:41 a.m.)

7 THE COURT: Court is in session in the matter of the  
8 United States of America versus Arapaho James Oldman, Case  
9 Number 18-CR-020. I note the presence of counsel for the  
10 United States and the defendant and counsel for the defendant  
11 and the ladies and gentlemen of the jury panel.

12 Good morning, ladies and gentlemen. I know that this  
13 was probably not at the top of your bucket list, but as United  
14 States citizens, our state and nation's judicial system is  
15 built upon jurors serving as impartial triers of fact by law.  
16 You're required to be here, and by law your employers are  
17 required to allow you to serve. I acknowledge the  
18 inconvenience, but I would suggest that that inconvenience is  
19 minimal when you compare it to the sacrifices that have been  
20 made by the men and women who have given us the rights and  
21 freedoms that we enjoy today and continue to give those to us.

22 So we will do everything we can to make this an  
23 efficient use of your time. This matter is set to proceed for  
24 one week, or this matter will be submitted to the jury on  
25 Friday. We will select 13 of you to serve as jurors today.

1 We will go through that process this morning and hopefully  
2 complete it by around 12:30 or thereabouts. But in the  
3 interim, it's not a marathon. So if there's a restroom break  
4 you need or something, please let us know and we'll do what we  
5 need to allow that to occur. But I want to acknowledge your  
6 presence here today, and I appreciate you being here today and  
7 blowing into town.

8 Let me first verify with counsel for the United  
9 States. Are you -- is the United States prepared to proceed  
10 at this time?

11 MR. CONDER: Yes, Your Honor.

12 THE COURT: Counsel for the defendant prepared to  
13 proceed?

14 MS. AMRAM: Yes, we are, Your Honor.

15 THE COURT: All right. A few people that you've  
16 interacted with already and that I want to verify your  
17 understanding of their role. Ms. Toner is the deputy clerk of  
18 court. She'll be in charge of keeping things organized here  
19 in the courtroom and your point of contact if you need  
20 anything.

21 Ms. Bowline is seated over here to my right. She is  
22 taking down everything that is said, so it will be important  
23 that we do two things: One is speak up so that you can be  
24 heard. And the other is is that we speak one person at a  
25 time. She's very talented, but she's not capable of



1 simultaneously taking two people. So it will be very  
2 important that we don't talk over one another.

3 There will be a bailiff assigned to attend to the  
4 jury once this matter is submitted to you for deliberation.  
5 It will be one of those gentlemen that you encountered at the  
6 front door when you came in.

7 My law clerk, who will provide me with sound legal  
8 advice during the course of this trial, Ms. Gorman, she will  
9 be in and out of this courtroom, as may people involved in the  
10 trial here at the table. From time to time, they will need to  
11 go out and prepare a witness or get a witness or some  
12 document. So please don't be offended if they leave the  
13 courtroom for a moment to do that to take care of those  
14 matters.

15 Myself, I am Scott Skavdahl. I'm the United States  
16 Federal District Court judge for the District of Wyoming and  
17 have the privilege of holding that position along with Judge  
18 Freudenthal and Judge Johnson down in Cheyenne, Wyoming.

19 As noted, this matter is scheduled to proceed for  
20 five days, should be submitted to the jury on Friday or by  
21 Friday. We have a couple of things that we're going to have  
22 to do this morning because this is a new jury panel. So we'll  
23 get underway with those, and then we'll turn to the voir dire  
24 process. But first, as I understand it, and I'll ask the  
25 Clerk of Court to verify, all but one juror has appeared today

1 as required to do so.

2 THE COURTROOM DEPUTY: Your Honor, yes. Juror  
3 Number 5 failed to appear. Jurors 27, 36, 38, and 57 were  
4 excused.

5 THE COURT: All right. I'll ask the juror who failed  
6 to appear to be contacted and appear at 8:00 a.m. on Wednesday  
7 morning to show cause why he should not be held in contempt  
8 and jailed for up to three days and fined up to \$1,000. These  
9 ladies and gentlemen have appeared and taken of their time. I  
10 want to know why he is unable to do so.

11 At this time we'll turn to the qualification process.  
12 And if I could ask the Clerk of Court to administer the first  
13 oath to the ladies and gentlemen of the jury panel.

14 (Oath administered.)

15 THE COURT: Thank you. Please be seated.

16 Let me ask first, before we go any further, because  
17 sometimes the audio isn't as good or is better than you  
18 anticipated, is there anyone in the jury panel that is having  
19 difficulty hearing me today? If so, please raise your hand.  
20 We have assistive devices. All right.

21 And Juror Number 2, I would go ahead and ask that we  
22 give him an audio listening device.

23 All right, sir. Does that help?

24 JUROR NUMBER 2: Yes. Thank you.

25 THE COURT: If at any time anyone has any difficulty

1 hearing, please let us know. It's important that you're able  
2 to hear everything.

3 That reminds me as well. You're all wearing lanyards  
4 with numbers on it. We do not intend to depersonalize you.  
5 It is not our intent to render you a simple number, but rather  
6 it's for your personal identity protection and purposes of the  
7 record. So we'll refer to you by your number, and if you'll  
8 refer to us back by your number, that way we won't have your  
9 names appearing in any public record potentially and preserve  
10 any personal identity information.

11 Everybody would love to refer to each other by name,  
12 but it's just best that way. And I'll ask that counsel do  
13 that as well, refer by number.

14 Let us turn back to the qualification, then. In  
15 order to serve as a juror in the United States District Court  
16 for the District of Wyoming, it is required that you be a  
17 citizen of the United States and over the age of 18; that you  
18 have resided for at least one year within the District of  
19 Wyoming or the state of Wyoming; that you be able to read,  
20 write, and understand the English language with a degree of  
21 proficiency sufficient to fill out the juror qualification  
22 form; that you have no physical or mental infirmity that would  
23 make you unable to render satisfactory jury service; and you  
24 have not been convicted in federal or state court of a felony,  
25 that is a crime punishable by in excess of one year

1 imprisonment, or if so convicted, you have had your civil  
2 rights restored.

3 Does anyone believe that they fail to satisfy those  
4 requirements as identified to serve as a juror? If so, please  
5 raise your hand. I don't see any raised hands. Therefore, I  
6 would find the ladies and gentlemen panel qualified to serve.

7 Mr. Conder, does the United States agree?

8 MR. CONDER: Yes, Your Honor.

9 THE COURT: Ms. Amram?

10 MS. AMRAM: Yes, Your Honor.

11 THE COURT: All right. The next step of this  
12 process, ladies and gentlemen, will require us -- and we've  
13 already seated the 31 of you in the south side of the room. I  
14 always want to say left side, but it's your right side. And  
15 we are going to focus on the ladies and gentlemen in that pool  
16 of 31. But that does not relieve you on the north side of the  
17 room from listening to the questions because what will happen  
18 is if there is a replacement juror that cannot serve in the  
19 pool of 31, then one of you ladies and gentlemen will be  
20 called to replace that juror to serve. So listen carefully to  
21 the questions.

22 What we'll do is if that happens, I'll ask you:  
23 You've heard the questions that have been propounded. Are  
24 there any of those questions that you need to respond to?  
25 That way we won't go back over everything with each and every

1 one, but we'll try to be as efficient as possible. So please  
2 listen carefully, and don't be offended by the lawyers  
3 directing their questions and the Court directing their  
4 questions or its questions to the south side of the room.

5 Before I turn to the oath in terms of the voir dire,  
6 let me ask, does anyone have any nonrefundable tickets this  
7 week to the Bahamas or Las Vegas or anywhere else? All right.  
8 Anyone else have any tickets somewhere that are nonrefundable  
9 during this week? If so, please raise your hand. And that  
10 goes to both the north and the south side. I don't see any  
11 other raised hands.

12 Let me see. Is that Juror Number 7?

13 JUROR NUMBER 7: Yes.

14 THE COURT: Ma'am, if I could have a microphone  
15 handed to you. Can you tell me the nature of your issue?

16 JUROR NUMBER 7: Family vacation from Thursday  
17 through Sunday out of state.

18 THE COURT: And are the tickets purchased for that?

19 JUROR NUMBER 7: Yes.

20 THE COURT: And where are you going?

21 JUROR NUMBER 7: Breckenridge.

22 THE COURT: If it was Wamsutter, I was going to deny  
23 it. But I'm going to go ahead and have a replacement pulled  
24 for Juror Number 7, and I'll have Juror Number 7 take a seat  
25 on the north side of the room. I'm not going to excuse you

1 yet, but we'll see if we can find someone else that doesn't  
2 have tickets to Breckenridge or somewhere.

3 And, ladies and gentlemen, this emphasizes a point.  
4 Once we pull you from the jury pool that I have, we're stuck  
5 with you. So if you don't in advance seek to be excused from  
6 jury service, I am locked into the individuals that I have in  
7 the pool. And if I excuse you, I ultimately may have to go to  
8 the post office and pull people from the post office line.  
9 That might be hard with a Government shutdown, although the  
10 Postal Service I understand is still working. But be mindful  
11 of that for the future in terms of if you're not selected  
12 today and are called or if you have something on your  
13 schedule, let us know. We'll work with you. But I -- I  
14 become handcuffed when you're in that pool that has been  
15 selected, and you get that call to come in. So be mindful of  
16 that.

17 Juror Number 7, if you would go ahead and have a seat  
18 on the north side of the room. I'll ask the Clerk of Court to  
19 call a replacement.

20 THE COURTROOM DEPUTY: Juror Number 14.

21 THE COURT: All right. We've covered the  
22 nonrefundable tickets or other commitments. Let me ask, is  
23 there anyone here that has scheduled medical care or a loved  
24 one that has scheduled care or someone that you care for that  
25 has scheduled care during this week that would be problematic

1 if you were selected to serve as a juror?

2 All right. Your number, sir, Juror Number 24.

3 Could I have a microphone handed to Juror Number 24?

4 Thank you, sir.

5 Sir, you can tell us a little bit about your  
6 situation.

7 JUROR NUMBER 24: Yes, sir. I have a medical  
8 appointment on Thursday with Dr. Earl Sawyers, the kidney  
9 specialist.

10 THE COURT: Is that here in Casper?

11 JUROR NUMBER 24: Yes, sir.

12 THE COURT: All right. And how long have you been  
13 waiting for that appointment?

14 JUROR NUMBER 24: Six months.

15 THE COURT: All right. Here's what -- what time is  
16 that appointment scheduled?

17 JUROR NUMBER 24: 10:15 in the morning.

18 THE COURT: All right. I'm going to go ahead and  
19 leave you there for now understanding that you may have those  
20 appointments and/or you have that appointment. We'll see if  
21 we're able to select and identify 13 jurors without having to  
22 pull you. Okay?

23 JUROR NUMBER 24: Thank you, Your Honor.

24 THE COURT: All right. Thank you.

25 All right. Anyone else have -- I see hesitant arm

1 up. Ma'am, your Juror Number?

2 And if I could have the microphone handed to her.

3 JUROR NUMBER 8: 8. I'm not sure. I don't have an  
4 appointment, but I have a mandatory training for the Wyoming  
5 Department of Education WY-ALT training on Thursday the 10th.

6 THE COURT: And is that training -- how frequently is  
7 it offered?

8 JUROR NUMBER 8: It's once a year.

9 THE COURT: And is that necessary for your  
10 occupation?

11 JUROR NUMBER 8: Yes. I'm a special ed teacher, and  
12 it's an alternative assessment for kids with cognitive  
13 disabilities. I'll be giving that test in February, and I  
14 have to have the training to be able to assess the students.

15 THE COURT: All right. I will place you and I'll  
16 leave, at this time, you're in the alternate pool. And I'll  
17 leave you there. We'll see where we end up. But I know  
18 there's a couple -- there's another I think teacher that had  
19 some children that were going to be impacted. And,  
20 unfortunately, I wasn't able to accommodate that.

21 So I've got -- I'm not going to ask any of you if you  
22 have a job or something else that you would rather be or  
23 scheduled to be doing today because none of you would be left.

24 So with that, Juror Number 47, if I could have the  
25 microphone handed to her.



1 JUROR NUMBER 47: I have a --

2 THE COURT: I'm sorry. That's not on yet.

3 JUROR NUMBER 47: I have a dentist appointment on  
4 Wednesday.

5 THE COURT: All right. And where is that dentist  
6 appointment at?

7 JUROR NUMBER 47: In Douglas.

8 THE COURT: Is that just a semiannual appointment?

9 JUROR NUMBER 47: No. I have a broken tooth. I  
10 broke it on Friday.

11 THE COURT: Okay. How's it feel?

12 JUROR NUMBER 47: It feels okay. So I just wanted to  
13 tell you, though.

14 THE COURT: All right. Well, I broke a tooth one  
15 time, and my rulings became very terse. So I don't want it  
16 impacting your ability to sit, contemplate. So what I'm going  
17 to do is move you over to the north side of the room because I  
18 don't want to have that all of the sudden flare up or act up  
19 on us. So we'll see if we can proceed without your being  
20 required. But I won't excuse you yet.

21 And if I could have the Clerk of Court call an  
22 alternative to Juror Number 47.

23 THE COURTROOM DEPUTY: Juror Number 19.

24 THE COURT: All right. Anyone else that we may have  
25 some need for accommodation or concern? If so, please raise

1 your hand. I don't see any raised hands.

2 A couple of housekeeping matters before we turn to  
3 the additional oath for the voir dire. Jury service, I called  
4 today and I have verified. You will be compensated for your  
5 service. It is a jury fee of \$50 a day. You also will be  
6 reimbursed for mileage if you live more than 10 miles from the  
7 city limits. In addition, for those of you that are here out  
8 of town, we will take care of your hotel accommodations. Just  
9 please be sure that you confer with the Clerk of Court so we  
10 can take care of that. We are not yet impacted by the  
11 shutdown in terms of funding for jurors, and, frankly, I'll go  
12 without my salary if I have to pay jurors because you're more  
13 important than I am.

14 If you're not selected to serve on the jury today,  
15 you'll be allowed to -- excused and drop your lanyards off and  
16 provide any information as you go out to the Clerk of Court so  
17 that they have all that.

18 Parking, in terms of those of you who have or are  
19 selected, and even those of you that parked this morning, we  
20 have arrangements with the city parking garage, which is down  
21 the street on Wolcott. I guess that is to the south. And we  
22 can accommodate you there. If you're parked in a private spot  
23 or you're parked in a time-limited spot, which I think a lot  
24 of these spots on Wolcott are, you may end up getting a ticket  
25 or getting towed. And I don't want that to happen. So please

1 be mindful of that. When I was a state court judge, I could  
2 call somebody and they cared. Nowadays, they don't care, and  
3 so I can't help out much other than giving you a phone call.

4 So we'll be taking a break probably midmorning, and  
5 if you need to relocate your vehicle, we'll try to take care  
6 of that for you -- or allow you to do that. But please be  
7 mindful and attentive to any parking in the various lots right  
8 around the courthouse.

9 All right. At this time I'll ask the Clerk of Court  
10 to administer the oath as to the voir dire.

11 (Oath administered.)

12 THE COURT: First, let me describe a few things.  
13 This is a criminal case that has been brought against the  
14 defendant, Arapaho James Oldman, by the United States, who  
15 will also be referred to as the prosecution or the United  
16 States Attorney. The defendant is charged by an indictment in  
17 this case. That indictment alleges that between on or about  
18 November 22, 2017, and/or about November 30, 2017, in the  
19 District of Wyoming and within Indian country, the defendants,  
20 Arapaho James Oldman and Matthew Whiteplume, both of whom are  
21 Indians, did willfully, deliberately, maliciously, and with  
22 premeditation and malice aforethought unlawfully kill Charles  
23 Dodge, III, and the defendants did knowingly aid and abet one  
24 another in the commission of this offense in violation of  
25 federal law.

1           This indictment is simply a charging document by  
2 which this matter is brought to trial. It is an accusation.  
3 It is not evidence of anything. The defendant has pleaded not  
4 guilty to each of -- to the charge and denies all allegations,  
5 and he is presumed innocent.

6           I want to emphasize that the purpose of voir dire is  
7 not to embarrass or humiliate anyone, but it is to determine  
8 if you can fairly and impartially view the evidence, follow  
9 the instructions of law as given by this Court, and render a  
10 fair and just verdict according to the law and evidence.  
11 However, during this process, issues may come up that you are  
12 uncomfortable with discussing in open court. And if such an  
13 issue arises, please let the court or counsel know, and we'll  
14 discuss the matter at the bench, out of the hearing of the  
15 general audience.

16           Some rules as to the voir dire process. The  
17 attorneys may not ask or argue about the law, meanings of  
18 words, or repeat things you have already answered in your  
19 questionnaires. You might be asked to explain or clarify an  
20 answer from your questionnaires. You will not be asked what  
21 your decision might be in any hypothetical circumstance.  
22 Questions will be addressed to all of you as a group except to  
23 get a more detailed explanation on a particular response.

24           If you are asked if you have formed an opinion, you  
25 may answer yes or no. But please do not state what that

1 opinion is.

2 Each side will be allowed 30 minutes follow-up voir  
3 dire following the Court's initial questioning. And following  
4 the questioning of the parties, you will -- the 31 will be  
5 passed for cause, and then the parties will each have the  
6 opportunity to exercise peremptory challenges, which will get  
7 us down to the 13 jurors that will be selected to serve in  
8 this matter.

9 Let us turn to the voir dire, and let me -- again, to  
10 those of you seated on the north, we're not ignoring you, but  
11 please listen carefully. And we'll address you as need be.

12 Let me ask to start out with if you could -- and  
13 we'll start with Juror Number 32, if we have the microphone  
14 handed to her.

15 JUROR NUMBER 32: 32?

16 THE COURT: I'm sorry. 39. I was -- yes. I  
17 apologize. I was seeing Juror Number 2 thinking how lucky he  
18 was to be seated Number 2, and Juror Number 39 seated to his  
19 right. If I could have the microphone handed to 39.

20 And, ma'am, what I'm going to do is we're going to go  
21 through each of the jurors. And just if I could have you tell  
22 us your occupation, where you reside, not specifically but  
23 generally, and if you have a significant other, the nature of  
24 his or her job or occupation, and your educational background.

25 JUROR NUMBER 39: Okay. I live here in Casper. I

1 work at Troopers Bingo. I'm a cashier. My significant other  
2 works at the post office. He's a nighttime supervisor. And  
3 what else did you need to know?

4 THE COURT: Educational background.

5 JUROR NUMBER 39: I have some years of college. I  
6 graduated high school, a couple years of college.

7 THE COURT: Thank you very much, ma'am.

8 Juror Number 2.

9 JUROR NUMBER 2: Yes. I'm from Evansville, Wyoming.  
10 A truck driver, I run a delivery route. My wife is an office  
11 worker at a hotshot service. And I'm a high school graduate.

12 THE COURT: All right. Thank you, sir.

13 Juror Number 41.

14 JUROR NUMBER 41: I live in Casper. I have a  
15 bachelor's degree. My husband is an attorney.

16 THE COURT: All right. And let me before --

17 JUROR NUMBER 41: He's retired.

18 THE COURT: What was the nature of the practice he  
19 was in.

20 JUROR NUMBER 41: My husband is the public defender  
21 for this area.

22 THE COURT: All right. I have had the privilege of  
23 having him before me many times.

24 JUROR NUMBER 41: I'm sure you have.

25 THE COURT: Juror Number 4.

1 JUROR NUMBER 4: I live in Cody, Wyoming, and I teach  
2 school in Meeteetse. My husband is a portrait photographer in  
3 Cody. I have a master's degree.

4 THE COURT: And what is the nature of subjects that  
5 you teach in school?

6 JUROR NUMBER 4: I teach first grade.

7 THE COURT: Lucky you. All right. Thank you, ma'am.  
8 Juror Number 58.

9 JUROR NUMBER 58: I'm from Moorcroft. I work for a  
10 coal mine. I'm a heavy equipment trainer. And my wife is a  
11 para for special needs kids. I have three years of college  
12 plus high school.

13 THE COURT: All right. Thank you, sir.  
14 Juror Number 6.

15 JUROR NUMBER 6: I'm from Sheridan. I am a strategic  
16 resource manager. My husband is a civil engineer. And I've  
17 had a couple years of college.

18 THE COURT: All right. Thank you.  
19 Juror Number 9.

20 JUROR NUMBER 9: I am from Pavillion, Wyoming. I'm a  
21 special education paraprofessional for middle school. My  
22 husband is an equipment operator. And I have some college,  
23 and I'm returning back next week.

24 THE COURT: Good for you. Okay. Thank you, ma'am.  
25 Juror Number 42.

1 JUROR NUMBER 42: I'm from Casper. I work at the  
2 post office as a postal clerk, and high school graduate.

3 THE COURT: All right. Given that occupation, do you  
4 know Juror Number 39?

5 JUROR NUMBER 42: No.

6 THE COURT: Fair enough. I just wanted to make sure.  
7 Juror Number 49.

8 JUROR NUMBER 49: Hi. I'm from Pavillion. We have a  
9 family business. We sell firewood. I graduated high school.  
10 And I also went to Bible college for two years for student  
11 instructor, to become an instructor.

12 THE COURT: Thank you, ma'am.  
13 Juror Number 1.

14 JUROR NUMBER 1: I'm from Sheridan, Wyoming. And I  
15 work for Volunteers of America. I'm director of youth  
16 services and homeless outreach in Sheridan and Johnson  
17 Counties. I have a master's degree in counseling, and a  
18 single mom of two kids.

19 THE COURT: And how old are those children, ma'am?

20 JUROR NUMBER 1: I have a 16-year-old and a  
21 19-year-old.

22 THE COURT: Okay. Thank you, ma'am.  
23 Juror Number 31.

24 JUROR NUMBER 31: I'm from Sheridan. I work for *The*  
25 *Sheridan Press*, also known as Sheridan newspapers, in the



1 mailroom. And I'm a high school graduate. And my girlfriend  
2 works for Rehabilitation Enterprises of Northeast Wyoming.

3 THE COURT: All right. Have you been on a jury panel  
4 before?

5 JUROR NUMBER 31: In Sheridan, yes, I have, but I  
6 wasn't selected.

7 THE COURT: All right. Very well. Thank you, sir.  
8 Juror Number 54.

9 JUROR NUMBER 54: I live in Lander. I'm a homemaker,  
10 stay-at-home mom. My husband is the vice president of  
11 advancement for Wyoming Catholic College. And I have a  
12 bachelor's degree.

13 THE COURT: All right. And what is that degree in,  
14 ma'am?

15 JUROR NUMBER 54: Liberal arts.

16 THE COURT: Thank you.

17 Juror Number 52.

18 JUROR NUMBER 52: I live in Sheridan, Wyoming. I'm a  
19 1st grade teacher. I have a master's degree. And my husband  
20 installs heating and air conditioning units for Alpine.

21 THE COURT: All right. Thank you.

22 Juror Number 34.

23 JUROR NUMBER 34: I'm from Buffalo. I work at the  
24 senior center as a receptionist/dispatcher. I have two years  
25 of college. And my husband is deceased.

1 THE COURT: All right. Thank you, ma'am.

2 Juror Number 44.

3 JUROR NUMBER 44: I'm from Banner, Wyoming. I have  
4 two years of college after high school. My husband is in  
5 industrial construction. He's a crane operator. I have  
6 guardianship of my granddaughters. And I think that's it.

7 THE COURT: All right. Thank you, ma'am.

8 Juror Number 14.

9 JUROR NUMBER 14: I'm from Casper. I'm a control  
10 electrical tech out at the power company. Single. My  
11 education's high school, four-year apprenticeship, and I'm  
12 still learning every day.

13 THE COURT: That's called the practice of law for a  
14 reason too.

15 Juror Number 15.

16 JUROR NUMBER 15: Local to Casper. Currently working  
17 in construction. My education is a bachelor's degree in  
18 computer science.

19 THE COURT: All right. Significant other?

20 JUROR NUMBER 15: No.

21 THE COURT: Okay. Thank you, sir.

22 Juror Number 25.

23 JUROR NUMBER 25: I'm from Cody, Wyoming. I'm an  
24 independent living specialist for Wyoming Services for  
25 Independent Living. I have a bachelor's in religious

1 education. I have an associate's as a paramedic and an  
2 associate's as a paralegal.

3 THE COURT: All right. And have you ever done any  
4 legal-type work?

5 JUROR NUMBER 25: No.

6 THE COURT: All right. Thank you, ma'am.

7 Juror Number 10.

8 JUROR NUMBER 10: I'm from Cody. I have a master's  
9 degree in civil engineering. I work as a civil engineer and  
10 municipal engineer. My wife is a high school teacher at Heart  
11 Mountain Academy.

12 THE COURT: All right. Thank you, sir.

13 Juror Number 21.

14 JUROR NUMBER 21: I live in Gillette. I am a third  
15 grade teacher. And my husband is an agriculture extension  
16 agent. So I have a bachelor's degree.

17 THE COURT: All right. Thank you.

18 Juror Number 13.

19 JUROR NUMBER 13: I'm a plant operator, coal mines,  
20 from Sundance, Wyoming. Significant other is a contract  
21 specialist for the company. Married 43 years today.

22 THE COURT: Well, congratulations, and my apologies  
23 to your wife for taking you away from her, not for having  
24 married you.

25 Let me see. Juror Number 48.

1 JUROR NUMBER 48: I'm an administrative manager. I'm  
2 from Douglas. I work for an oil field company. My husband is  
3 a dragline operator at a coal mine. And I have a year or  
4 so -- a year-plus of college.

5 THE COURT: All right. And Juror Number 13, I  
6 apologize, but I don't know that --

7 JUROR NUMBER 13: High school.

8 THE COURT: All right. Thank you.

9 Juror Number 30.

10 JUROR NUMBER 30: Gillette, Wyoming. Mechanic  
11 specialist. Associate's degree. Married. Two kids. She's a  
12 CNA.

13 THE COURT: All right. Thank you.

14 Juror Number 22.

15 JUROR NUMBER 22: Powell, Wyoming. I am a store  
16 manager for a national hardware store. My wife has her own  
17 housecleaning business. And I have a two-year business  
18 degree.

19 THE COURT: All right. Thank you, sir.

20 Juror Number 40.

21 JUROR NUMBER 40: Pardon me?

22 THE COURT: Juror Number 40.

23 JUROR NUMBER 40: Thermopolis, Wyoming. I'm an  
24 independent contractor. Graduated high school. My wife works  
25 for the 4-H foundation in Thermop.

1 THE COURT: All right. And independent contractor,  
2 sir, what type of occupation do you do or business?

3 JUROR NUMBER 40: Home remodeling, additions, smaller  
4 stuff.

5 THE COURT: All right. Thank you.

6 Juror Number 53.

7 JUROR NUMBER 53: I'm from Worland, Wyoming. I'm a  
8 store manager. Have approximately a year of college. My  
9 husband's retired.

10 THE COURT: All right. And what type of store do you  
11 manage, ma'am?

12 JUROR NUMBER 53: I manage a convenience store.

13 THE COURT: Okay. Thank you.

14 Juror Number 37.

15 JUROR NUMBER 37: I'm from Douglas, Wyoming. I'm a  
16 special education paraprofessional. I have an associate's  
17 degree. My husband's the line foreman in Douglas for the  
18 power company.

19 THE COURT: All right. Thank you.

20 Juror Number 3.

21 JUROR NUMBER 3: I'm from Casper. Business owner in  
22 the insurance business. I've got bachelor's degree from  
23 college. And I'm married to a wonderful wife and mother.

24 THE COURT: All right. Thank you, Juror Number 3.

25 Juror Number 19.

1 JUROR NUMBER 19: I'm from Powell, Wyoming. I teach  
2 mathematics at the Community College. I have a Ph.D. in  
3 mathematics. I've been married for nine years. My wife is  
4 working towards a associate's in medical -- medical assisting  
5 while working at food service.

6 THE COURT: All right. Thank you, sir.

7 Juror Number 33.

8 JUROR NUMBER 33: I'm a speech-language pathologist  
9 in Gillette in the school district. Bachelor's degree and  
10 many graduate hours. My husband's retired, UP engineer.

11 THE COURT: All right. Thank you.

12 Juror Number 43.

13 JUROR NUMBER 43: I'm from Douglas. I work at  
14 Roadrunner Service and Supply. I've been there 27 years. My  
15 wife works for the District Court judge in Douglas. She's  
16 been there 31 years. And I'm a high school graduate.

17 THE COURT: I think I've met her. All right.

18 JUROR NUMBER 43: I'll bet you have.

19 THE COURT: That brings up one of the things that  
20 will happen in this matter is this Court will be instructing  
21 you as to the law to be applied in contemplating reaching any  
22 verdict. Does anyone have any concerns, first, with their  
23 ability to follow the instructions of law as given by this  
24 Court? If so, please raise your hand. I don't see any raised  
25 hands.

1           The second is some of you may know me, and does the  
2 fact that you know me or heard anything about me cause you any  
3 concern as to your ability to follow the instructions that I  
4 give you? If so, please raise your hand. I'll take no  
5 offense. All right. I don't see any raised hands.

6           Let me reverse course and ask: Have any of you been  
7 involved in legal proceedings as a party, as a witness, or as  
8 a juror previously? Let's start back with Juror Number 33,  
9 and we'll work our way forward.

10           Can you tell us about that, ma'am?

11           JUROR NUMBER 33: It was a drunk driving in Douglas.

12           THE COURT: All right. And how long ago was that?

13           JUROR NUMBER 33: Oh, ten years ago maybe. I don't  
14 remember, honestly.

15           THE COURT: And what was the verdict the jury  
16 rendered?

17           JUROR NUMBER 33: Guilty.

18           THE COURT: And did you serve as the foreperson in  
19 that? Were you selected to serve as the foreperson?

20           JUROR NUMBER 33: No, no.

21           THE COURT: Anything about that process that would  
22 cause you any concern if you were selected to serve in this  
23 matter?

24           JUROR NUMBER 33: No.

25           THE COURT: All right. Thank you, ma'am.

1 Juror Number 43.

2 JUROR NUMBER 43: I sat on a jury here. I think it  
3 was nine years ago, maybe ten.

4 THE COURT: All right. Here in federal court?

5 JUROR NUMBER 43: Yes.

6 THE COURT: What was the nature of that?

7 JUROR NUMBER 43: It was a drug case, selling.

8 THE COURT: Criminal matter?

9 JUROR NUMBER 43: Yeah.

10 THE COURT: And was there a verdict rendered?

11 JUROR NUMBER 43: Yes. Guilty.

12 THE COURT: And were you selected to serve as the  
13 foreperson in that?

14 JUROR NUMBER 43: Not the foreperson, no.

15 THE COURT: Anything about that process that would  
16 cause you any concern if you were selected to serve today?

17 JUROR NUMBER 43: Absolutely not.

18 THE COURT: Thank you, sir.

19 I believe coming forward, Juror Number 37.

20 JUROR NUMBER 37: I served on a jury. It was a civil  
21 case for punitive damage. It was about six or seven years  
22 ago. And I was not a foreperson. And we -- we decided that  
23 the person was liable for punitive damages.

24 THE COURT: All right. And do you recall where that  
25 court was? Was it in Douglas?



1 JUROR NUMBER 37: I apologize. Yes, it was in  
2 Douglas. It was just the Douglas court, county. Thank you.

3 THE COURT: In this case, unlike in a civil matter,  
4 you will be required to determine -- the burden of proof will  
5 be beyond a reasonable doubt as opposed to a preponderance of  
6 the evidence in a civil matter. First, does that cause you  
7 any concern in applying the beyond a reasonable doubt burden  
8 in this case?

9 JUROR NUMBER 37: No, sir.

10 THE COURT: Anything about that civil matter that  
11 would cause you any concerns to -- as to your ability to serve  
12 if you were selected today?

13 JUROR NUMBER 37: No, sir.

14 THE COURT: Thank you very much, ma'am.

15 Let's go to her left. I believe there was another  
16 hand in that row. Is there anyone else in that row?

17 Juror Number 53.

18 JUROR NUMBER 53: I served on this Court. I think  
19 it's been about seven years ago maybe. It was a drug case. A  
20 couple years ago, I served on a jury in Washakie County, which  
21 was a wrongful death suit against a physician. And I've been  
22 in court several times through the capacity of my job with  
23 shoplifters and stuff.

24 THE COURT: All right. Let's back up a little bit  
25 then. In terms of your federal court case, do you recall what

1 the ultimate verdict was in that matter?

2 JUROR NUMBER 53: Guilty.

3 THE COURT: And did you serve as a foreperson?

4 JUROR NUMBER 53: No.

5 THE COURT: All right. Anything about that case that  
6 would cause you any concerns if you were selected to serve in  
7 this matter?

8 JUROR NUMBER 53: No.

9 THE COURT: And then in Washakie County, what was the  
10 ultimate decision rendered in that case?

11 JUROR NUMBER 53: Not guilty.

12 THE COURT: And was that a civil matter?

13 JUROR NUMBER 53: Well, it was wrongful death against  
14 a physician.

15 THE COURT: All right. And with regards to your  
16 interaction and involvement with the court system and/or law  
17 enforcement, anything about those experiences that has caused  
18 you any problem or concern?

19 JUROR NUMBER 53: No.

20 THE COURT: All right. I think that covers it then.  
21 Thank you, ma'am.

22 Next juror that has had experience? Juror Number 40.

23 JUROR NUMBER 40: I served on a jury for  
24 environmental damage against an oil company.

25 THE COURT: All right. And was that up in Hot

1 Springs County?

2 JUROR NUMBER 40: It was in Thermopolis.

3 THE COURT: And what was the verdict rendered in  
4 that?

5 JUROR NUMBER 40: Not guilty.

6 THE COURT: And were you selected as the foreperson  
7 in that?

8 JUROR NUMBER 40: No, sir.

9 THE COURT: And was that a matter that was brought by  
10 the State or by the County, or was it a civil, personal?

11 JUROR NUMBER 40: It was personal.

12 THE COURT: All right. And anything about that  
13 experience that would cause you any concerns if you were  
14 selected to serve in this matter?

15 JUROR NUMBER 40: No, sir.

16 THE COURT: All right. Thank you.

17 Next person on that row, is there anyone else on that  
18 row that's had experience? Let's come forward then to the  
19 next row. I believe that there was someone.

20 Juror Number 10.

21 JUROR NUMBER 10: Yes.

22 THE COURT: Can you tell us about your experience.

23 JUROR NUMBER 10: I'm not exactly sure, but I wanted  
24 to get this out here. I've served as an expert witness on a  
25 hearing panel in Sheridan about eight years ago for a

1 right-of-way issue.

2 THE COURT: All right. And it certainly is part of  
3 the analysis. So you were hired by one party to testify?

4 JUROR NUMBER 10: Correct.

5 THE COURT: And what was the result that was  
6 ultimately rendered in the matter?

7 JUROR NUMBER 10: The county commissioners I believe  
8 determined that the opposing party from the outfit that had  
9 hired me had a right to maintain the -- limit the access to  
10 the property that was in question.

11 THE COURT: All right. Anything about that  
12 experience that would cause you any concern about your ability  
13 to -- if selected, to serve as a juror in this matter to cause  
14 you any concern?

15 JUROR NUMBER 10: No.

16 THE COURT: All right. Any other experiences, Juror  
17 Number 10?

18 JUROR NUMBER 10: No.

19 THE COURT: Okay. Thank you.

20 Juror Number 21.

21 JUROR NUMBER 21: I doubt this matters, but I served  
22 as a witness in 2009 for a small claims incident involving a  
23 horse and trailer.

24 THE COURT: It does matter because you've had  
25 involvement in the legal system, and we want to make sure that

1 that involvement doesn't have any impact on your ability if  
2 selected. What was the result that ended up occurring there?

3 JUROR NUMBER 21: Not guilty.

4 THE COURT: All right. Anything about that process  
5 that causes you any concern as to law enforcement, as to the  
6 court system?

7 JUROR NUMBER 21: No.

8 THE COURT: All right. Thank you, ma'am.

9 Juror Number 13.

10 JUROR NUMBER 13: I've just been in the jury pool  
11 before, never selected before. Crook County.

12 THE COURT: All right. And any concerns about that  
13 process that -- while you're sitting there that you gained  
14 that you would have concerns if selected?

15 JUROR NUMBER 13: No, no.

16 THE COURT: All right. Very well. Thank you, sir.  
17 Next row forward. Juror Number 42.

18 JUROR NUMBER 42: I've given testimony in several  
19 cases, as my previous employment I was a manager of a pawn  
20 shop. So we had lots of ins and outs there.

21 THE COURT: All right. And a lot of interaction with  
22 law enforcement?

23 JUROR NUMBER 42: Correct.

24 THE COURT: Anything about that interaction or about  
25 that testimony or involvement that would cause you any

1 concerns if selected?

2 JUROR NUMBER 42: No, sir.

3 THE COURT: Who was the primary? Were you dealing  
4 with sheriff or city?

5 JUROR NUMBER 42: Sheriff and city both.

6 THE COURT: Okay. Thank you, sir.

7 Juror Number 1 or Number 49, if you've had any  
8 experience.

9 JUROR NUMBER 1: Is this on?

10 THE COURT: Yes, ma'am.

11 JUROR NUMBER 1: I was selected as an alternative  
12 juror in I believe it was a Circuit Court case in Sheridan  
13 regarding where an elk was shot on the boundary line. But I  
14 was released of my duties before they decided on a verdict.

15 THE COURT: All right.

16 JUROR NUMBER 1: As well as I do go to District Court  
17 with youth from our group home and crisis shelter on CHINS  
18 cases and delinquency hearings.

19 THE COURT: In terms of your service on the jury as  
20 an alternate, anything about that experience that would cause  
21 you any concern if selected?

22 JUROR NUMBER 1: Not at all.

23 THE COURT: And in terms of your interaction with and  
24 working with the court system for CHINS and other children in  
25 need of assistance, anything about that process that would

1 cause you concerns?

2 JUROR NUMBER 1: Not currently.

3 THE COURT: All right. Very well. Thank you, ma'am.

4 Anyone else in that row? I don't see anyone in that  
5 row. Let's go ahead and go to the front row.

6 Since you have it, Juror Number 4.

7 MS. AMRAM: Your Honor, there was someone in that  
8 row.

9 THE COURT: I'm sorry. Juror Number 49.

10 JUROR NUMBER 49: I actually ended up representing  
11 myself in a -- I was suing the manufacturer place that I had  
12 my new manufactured home put on because my house was sinking.  
13 I had an attorney who was actually doing it on contingency,  
14 but the people that he was at the law firm with decided they  
15 weren't going to do contingency. So I actually ended up  
16 representing myself with his help. He would help me with what  
17 I needed to do, and then I went and done it.

18 THE COURT: All right. What was the ultimate result  
19 in that?

20 JUROR NUMBER 49: I got some of what I wanted.

21 THE COURT: All right. Anything about that process  
22 that would cause you to have any difficulty in serving if  
23 selected in this matter?

24 JUROR NUMBER 49: No, sir.

25 THE COURT: All right. Thank you.

1 JUROR NUMBER 49: You're welcome.

2 THE COURT: Juror Number 4.

3 JUROR NUMBER 4: My husband and I were involved in a  
4 lawsuit due to a flooding of our business, and it was just  
5 handled between lawyers out of court, settled out of court.

6 THE COURT: All right. Anything about that process  
7 or that interaction with the legal system that would cause you  
8 any concerns if selected in this matter?

9 JUROR NUMBER 4: No, not at all.

10 THE COURT: Thank you.

11 Anyone else?

12 JUROR NUMBER 41: Yes, I was selected in the jury  
13 pool for District Court. I did not serve on the jury.

14 THE COURT: All right. That was in State District  
15 Court.

16 JUROR NUMBER 41: Right, over here.

17 THE COURT: Very well. Anything about that process,  
18 though, that would cause you any concerns if selected to serve  
19 in this matter?

20 JUROR NUMBER 41: Not at all.

21 THE COURT: Thank you, ma'am.

22 I think Juror Number 2.

23 JUROR NUMBER 2: Yes, I was a witness in a criminal  
24 case in Castle Rock, Colorado, this past summer.

25 THE COURT: What were the nature of the charges in



1 this matter?

2 JUROR NUMBER 2: It was insurance fraud.

3 THE COURT: All right. And it was brought by the  
4 State or by the County?

5 JUROR NUMBER 2: It was federal.

6 THE COURT: All right. And who did you testify for?  
7 Who called you to testify?

8 JUROR NUMBER 2: It was the State of Colorado, I  
9 suppose.

10 THE COURT: What was the ultimate result in that  
11 case?

12 JUROR NUMBER 2: It was a guilty verdict.

13 THE COURT: Anything about that process that would  
14 cause you any concerns if selected to serve as a juror in this  
15 matter?

16 JUROR NUMBER 2: No, sir. Huh-uh.

17 THE COURT: Anyone else that has had experience or  
18 been selected to serve or served on a jury? I don't see any  
19 other raised hands.

20 All right. Let me ask if any of you or a family  
21 member or close friend have served in a law enforcement  
22 agency. Is there anyone? All right. Let's see. Juror  
23 Number 34 looks to be the closest. I'm sorry.

24 JUROR NUMBER 34: It's all right. My husband was a  
25 correctional officer in the state of California, and also in

1 Rawlins.

2 THE COURT: All right. And anything about that  
3 service that would cause you any concerns?

4 JUROR NUMBER 34: No.

5 THE COURT: Did he retire from that job?

6 JUROR NUMBER 34: He was medically retired. He  
7 contacted tuberculosis from an inmate, which caused his death.  
8 So, no, I don't.

9 THE COURT: Okay. Thank you, ma'am. I'm sorry.  
10 Juror Number 52.

11 JUROR NUMBER 52: My husband was a detentions officer  
12 at the Sheridan County jail for two and a half years.

13 THE COURT: All right. And anything about that job  
14 that would cause you any concerns if selected to serve in this  
15 matter?

16 JUROR NUMBER 52: No, sir.

17 THE COURT: Thank you.

18 Juror Number 54.

19 JUROR NUMBER 54: My brother-in-law is on the  
20 California Highway Patrol. My father was briefly a police  
21 officer in Texas. And I have a friend on the Lander police --  
22 in the Lander Police Department.

23 THE COURT: All right. Anything about those friends  
24 and about those relationships that would cause you to have any  
25 difficulty being fair and impartial in this matter carefully

1 considering the evidence presented by all witnesses and  
2 deciding this case based upon that evidence?

3 JUROR NUMBER 54: I don't believe so.

4 THE COURT: Thank you, ma'am.

5 I thought I saw Juror Number 31? No?

6 Anyone else? Let me --

7 Juror Number 14.

8 JUROR NUMBER 14: I don't know if this matters or  
9 not, but I'll let you know. My son was just newly appointed  
10 with the Wyoming Game and Fish. Today would be his first day  
11 at the academy. So officially I guess he's not quite legally  
12 law enforcement.

13 THE COURT: He soon will be.

14 JUROR NUMBER 14: Yes.

15 THE COURT: Let me ask you this: Given the nature of  
16 that occupation, would you have any difficulty in fairly and  
17 impartially considering the evidence and deciding this case  
18 based upon that evidence?

19 JUROR NUMBER 14: No.

20 THE COURT: All right. I believe there was someone.  
21 Juror Number 25.

22 JUROR NUMBER 25: I was a community education officer  
23 with the sheriff's department in Knoxville, Tennessee, and I  
24 have several relatives who are deputies.

25 THE COURT: Anything about that job that would cause

1 you difficulty in fairly and impartially considering the  
2 evidence if selected?

3 JUROR NUMBER 25: No.

4 THE COURT: All right. Thank you, ma'am.

5 Juror Number 10.

6 JUROR NUMBER 10: My wife's second cousin was the  
7 police chief here in Casper, and I have a friend who was a  
8 former police chief in Cody.

9 THE COURT: All right. Anything about those  
10 relationships that would cause you any difficulty if selected  
11 to fairly and impartially view the evidence?

12 JUROR NUMBER 10: I don't believe so, no.

13 THE COURT: All right. Thank you, sir.

14 Juror Number 21?

15 All right. Anyone else? Let's go to the back, your  
16 right corner.

17 JUROR NUMBER 3: My brother-in-law was a prosecuting  
18 attorney for the DA's office and the U.S. Attorney General's  
19 office in Las Vegas.

20 THE COURT: And, Juror Number 3, anything about those  
21 relationships that would cause you any difficulty, if  
22 selected, to fairly and impartially view the evidence in this  
23 matter and decide the verdict?

24 JUROR NUMBER 3: No, sir.

25 THE COURT: All right. Thank you.

1 Juror Number 19.

2 JUROR NUMBER 19: I think, yeah -- this is on? Thank  
3 you. My brother is a metro police officer in Washington, D.C.  
4 My stepsister is an attorney in Dallas, Texas. And a couple  
5 other -- one of my cousins, a deputy sheriff for I think  
6 Brooke County, West Virginia, and a few other lawyers among  
7 more distant relatives.

8 THE COURT: All right. Let me -- let me ask if  
9 anything about those relationships would cause you difficulty  
10 in being able to fairly and impartially listen to the evidence  
11 and decide a verdict based upon that alone.

12 JUROR NUMBER 19: No, sir.

13 THE COURT: All right. Thank you. Anyone else? Law  
14 enforcement connections or relationships?

15 Juror Number 37.

16 JUROR NUMBER 37: My brother-in-law is a federal  
17 agent in Texas, and he was -- he was a police officer in  
18 Austin and worked his way up through the ranks and is now a  
19 federal officer.

20 THE COURT: Do you know for what agency he is?

21 JUROR NUMBER 37: Kind of. I think it's Homeland  
22 Security actually. We don't see him very much, so I -- but I  
23 think it's Homeland Security is -- I believe.

24 THE COURT: The agency. Anything about that  
25 relationship that would cause you any difficulty, if you were

1 selected, to fairly and impartially view the evidence and  
2 consider and decide a verdict?

3 JUROR NUMBER 37: No, sir.

4 THE COURT: All right. Thank you.

5 There's a hand up on the right -- on the left side.  
6 Has someone else raised their hand that I missed?

7 THE COURTROOM DEPUTY: On your right.

8 THE COURT: Sir, if you'll mark that down. Do you  
9 have something responsive to those questions?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: I'll get to you if we need to, and if you  
12 end up over there. But make a mental note, sir. Thank you.

13 Anyone else on the south side? I don't see any other  
14 raised hands.

15 Here's what we need to verify. Obviously people --  
16 you have relationships with people in law enforcement, and,  
17 ultimately, what I want to make sure and what the parties want  
18 to make sure is that if you're selected to serve as a juror in  
19 this matter, can you fairly and impartially hear and  
20 critically consider the evidence offered by the parties and  
21 decide this, render a verdict according to that evidence, not  
22 based upon any concerns that you have or fears that you have  
23 as to, well, if I go back and tell my brother-in-law that I  
24 found the defendant not guilty, he's going to disown me.

25 But that's the nature of the issue that I want to

1 make sure we don't have; that none of you have any  
2 relationship in such a way that would cause you any difficulty  
3 in deciding the verdict based upon the evidence only and no  
4 fears or concerns as to how anyone else might treat you or  
5 react to you if you rendered such a verdict. Does anyone feel  
6 that way or have any concerns about that? If so, please raise  
7 your hand. I don't see any raised hands. All right. Thank  
8 you.

9 Have any of you ever been involved in any criminal  
10 proceedings outside of speeding tickets and parking tickets,  
11 those types of things? But have you been involved or had any  
12 loved ones or close friends involved in any criminal  
13 proceedings? If so, please raise your hand.

14 All right. Let's start back in the back corner there  
15 because I think that's where the microphones are.

16 Juror Number 33.

17 JUROR NUMBER 33: Yes. My son was involved in a drug  
18 case in Douglas.

19 THE COURT: All right. And what was the ultimate  
20 disposition, ma'am, if I may ask?

21 JUROR NUMBER 33: I think it was not guilty.  
22 Honestly, I don't know.

23 THE COURT: And anything about the system and the  
24 process that occurred there that would cause you to feel one  
25 way or another about law enforcement or about the legal

1 system?

2 JUROR NUMBER 33: No.

3 THE COURT: All right. Did you feel that he was  
4 treated fairly?

5 JUROR NUMBER 33: Yes.

6 THE COURT: All right. Thank you, ma'am.

7 Anything else, Juror Number 13 [sic]?

8 JUROR NUMBER 33: No.

9 THE COURT: Juror Number 19.

10 JUROR NUMBER 19: Before we were married or much  
11 together, when friends, my wife was arrested for shoplifting.

12 THE COURT: All right. And anything about that  
13 interaction or process that would cause you any concerns?

14 JUROR NUMBER 19: No.

15 THE COURT: And where did this occur, sir?

16 JUROR NUMBER 19: Ohio.

17 THE COURT: Okay. Thank you.

18 Coming forward in the next row, Juror Number 37.

19 JUROR NUMBER 37: It's probably 35 years ago. My  
20 mother and stepfather were -- they actually both served  
21 federal time for embezzlement.

22 THE COURT: All right. And where did those events  
23 occur, ma'am?

24 JUROR NUMBER 37: In Montana.

25 THE COURT: All right. Did you have any concerns



1 with how the process worked or the system operated?

2 JUROR NUMBER 37: No, sir.

3 THE COURT: Did you have any concerns as to how they  
4 were treated?

5 JUROR NUMBER 37: No.

6 THE COURT: All right. Thank you, ma'am.

7 Juror Number 44.

8 JUROR NUMBER 44: My ex-husband was prosecuted for  
9 sexual misconduct with a minor and is serving time at this  
10 time. And I also was involved -- my niece and her daughter  
11 were involved in a case in which she was kidnapped and  
12 sexually assaulted, and that perpetrator was also convicted  
13 and is serving time at this time.

14 THE COURT: All right. Let me ask with regards to  
15 either of those matters, did you feel that they were handled  
16 properly by law enforcement?

17 JUROR NUMBER 44: Yes. As far as I know.

18 THE COURT: And with regards to the system and the  
19 process, did you have any concerns or feel that there was  
20 anything inappropriate with regards to what the ultimate  
21 disposition and how the system --

22 JUROR NUMBER 44: Not at all.

23 THE COURT: Thank you, ma'am.

24 Next person, if you could raise your hand. I've  
25 got -- well, we'll go to the -- Juror Number 21.

1 JUROR NUMBER 21: Check, one, two. Just kidding.

2 I got a -- I almost got convicted of an MIP back in  
3 college. I pled guilty, but I was let off. And it was erased  
4 from my record by the grace of God.

5 THE COURT: All right. Do you feel like the law  
6 enforcement handled the matter appropriately?

7 JUROR NUMBER 21: Yes.

8 THE COURT: And did you feel like the Court and the  
9 prosecution and the system handled you properly?

10 JUROR NUMBER 21: Yeah. They were very gracious.

11 THE COURT: Very well. Thank you.

12 Next person. Juror Number 34.

13 JUROR NUMBER 34: Actually, my son a couple years ago  
14 was brought in front of you under the federal court for  
15 duplicating government documents and drugs, and he was  
16 convicted. And he spent a year in federal prison.

17 THE COURT: All right. Let me ask you this:  
18 Anything about the way that he was handled by law enforcement  
19 that would cause you any concerns?

20 JUROR NUMBER 34: No. I thought maybe they should  
21 have been a little tougher on him.

22 THE COURT: Fair enough. And then let me ask you  
23 this: In terms of the system and the court and ultimate  
24 disposition, did you have any concerns as to how that process  
25 went or what happened?

1 JUROR NUMBER 34: No, it went very well. And because  
2 of it, he's been clean for two years now. So I want to thank  
3 you.

4 THE COURT: Well, you've done a yeoman's work in  
5 that. Thank you.

6 All right. Next person.

7 JUROR NUMBER 39: My ex-husband was in prison for  
8 robbery, but that was 20 years ago or so. And the only other  
9 thing, I guess, is my younger brother got beat up by the  
10 police, so that kind of bothered me.

11 THE COURT: All right. Let me ask, Juror Number 39,  
12 with regards to the events involving your ex-husband, any  
13 concerns as to how the law enforcement acted in that matter?

14 JUROR NUMBER 39: No.

15 THE COURT: And ultimately, the disposition, did you  
16 feel that the system operated properly?

17 JUROR NUMBER 39: Yeah, I -- yeah.

18 THE COURT: All right. With regards to your younger  
19 brother, where did those events occur?

20 JUROR NUMBER 39: They occurred here.

21 THE COURT: Was that involving Casper Police  
22 Department or the Natrona County sheriff?

23 JUROR NUMBER 39: I believe it was the Casper Police  
24 Department.

25 THE COURT: It didn't involve any federal agents or

1 federal law enforcement?

2 JUROR NUMBER 39: No.

3 THE COURT: All right. Anything about the way that  
4 he was treated by law enforcement that would cause you to not  
5 be able to fairly and impartially, critically evaluate the  
6 testimony, follow the instructions of law, and render a  
7 verdict accordingly?

8 JUROR NUMBER 39: No. I could do that.

9 THE COURT: All right. Thank you, ma'am.

10 Anyone else?

11 Juror Number 2.

12 JUROR NUMBER 2: Yes. My brother years ago had a  
13 felony for breaking and entering, and it was -- he was like 18  
14 years old. But he was on probation and got a governor's  
15 pardon.

16 THE COURT: All right. Anything about the way that  
17 that matter was handled by law enforcement that caused you  
18 concern?

19 JUROR NUMBER 2: No, I don't believe so.

20 THE COURT: And anything about the way that the  
21 system and the Court system operated and handled that?

22 JUROR NUMBER 2: No. It seemed fine.

23 THE COURT: Thank you, sir.

24 Anyone else?

25 All right. Juror Number 9.

1 JUROR NUMBER 9: A couple different things. My  
2 husband has had a couple DUI charges and has been found guilty  
3 on both of those in the past, which are more than five years  
4 ago. And the second one is I was the victim of a domestic  
5 violence eight years ago.

6 THE COURT: All right. Let me ask you with regards  
7 to either of those matters, any concerns as to the way those  
8 were handled by law enforcement?

9 JUROR NUMBER 9: No.

10 THE COURT: Any concerns as to how the system handled  
11 either yourself or your husband?

12 JUROR NUMBER 9: No.

13 THE COURT: Anything about those that would impact  
14 your ability to critically evaluate the testimony of all  
15 witnesses and follow the instructions of law and render a  
16 verdict accordingly?

17 JUROR NUMBER 9: No.

18 THE COURT: Thank you, ma'am.

19 Juror Number 49, I believe.

20 JUROR NUMBER 49: My son was pulled over for road  
21 rage, and the person he was having road rage called the Lander  
22 police and told them that he pointed a pistol at him. Being  
23 19 -- or 18, he didn't even need to have that. Well, when he  
24 got pulled over, they also said that they found residue of  
25 marijuana. And he ended up going -- he was in jail for a

1 couple days, ended up going to court. The two attorneys and  
2 the judge all worked together, and now he's waiting to be  
3 going into the service.

4 THE COURT: All right. Let me back up a little bit.  
5 With regards to the way that law enforcement handled the  
6 situations, any concerns about that?

7 JUROR NUMBER 49: No, sir.

8 THE COURT: And the way the system operated and  
9 treated your son, any concerns about that?

10 JUROR NUMBER 49: No, sir. I'm proud that he's going  
11 into the service and not going to get any more trouble,  
12 hopefully.

13 THE COURT: Well, good for him.

14 Let me ask you, anything about those incidences that  
15 would cause you any difficulty to fairly and critically  
16 evaluate the testimony that --

17 JUROR NUMBER 49: No, sir.

18 THE COURT: Thank you very much, ma'am.

19 Anyone else?

20 Juror Number 58.

21 JUROR NUMBER 58: I've had a couple DUIs probably 15  
22 years ago, one in South Dakota and one in Colorado.

23 THE COURT: Anything about the way you were handled  
24 by law enforcement in those matters that would cause you  
25 concern?

1 JUROR NUMBER 58: No.

2 THE COURT: Anything about the way that you were  
3 treated by the Court system cause you any concern?

4 JUROR NUMBER 58: No.

5 THE COURT: All right. Thank you, sir. Anyone else?

6 And, ladies and gentlemen, the crux of those  
7 questions and the ultimate question that I have for you is,  
8 given your involvement and the nature of your involvement or  
9 your loved ones' or close friends' involvement or any other  
10 involvement, frankly, with law enforcement, do you have any  
11 experiences that would cause you to not be able to critically  
12 and fairly consider the testimony of all the witnesses and  
13 decide this case based upon that testimony and the law as  
14 instructed by this Court and not through the skew or the  
15 vision of a prior experience, good, bad, or indifferent?  
16 Anyone feel they have any difficulty in deciding this case on  
17 its own merits and not based upon any of your past  
18 experiences? If so, please raise your hand. I don't see any  
19 raised hands. Thank you.

20 This case involves issues -- or has issues concerning  
21 and involving alcohol consumption or potentially other  
22 controlled substances. Is anyone concerned, based upon their  
23 past experience or the nature of their mind-set, look, the  
24 minute that I hear anything about alcohol or controlled  
25 substances, it's over. I can't consider anything more. I

1 can't be fair and impartial? Does anyone have any concerns  
2 given that this case will involve alcohol and/or other  
3 controlled substances? Does anyone have any concerns as to  
4 their ability to hear out all the evidence and decide this  
5 case fairly and impartially based upon the evidence and the  
6 laws given by this Court? If so, please raise your hand. I  
7 don't see any raised hands.

8 All right. In today's modern age, a lot of us find  
9 resources of Google to be wonderful when you have a question,  
10 or I guess there's some TV shows where you can phone a friend  
11 when you have an issue. All those are wonderful resources,  
12 but they are not to be used by any jurors selected in this  
13 matter. And in this case you will have to base your decisions  
14 based solely on the evidence as presented and the instructions  
15 as given by the Court. You won't be able to do your own  
16 research, and you won't be able to seek any guidance from  
17 anyone else.

18 Given those limitations and constraints, does anyone  
19 have any concerns as to their ability to base their decision  
20 and consideration of only the evidence presented in this  
21 courtroom and the instructions of law as given by this Court?  
22 Anyone have any concerns as to limiting themselves  
23 accordingly? If so, please raise your hand. I don't see any  
24 raised hands. Thank you.

25 Some, people due to religious or philosophical



1 reasons, find that they are unable to pass upon the guilt or  
2 innocence of a fellow citizen or critically evaluate the  
3 testimony of a witness. Does anybody have such belief that  
4 would cause them to be unable to critically evaluate and  
5 consider and decide this case and render a verdict  
6 accordingly? If so, please raise your hand. I don't see any  
7 raised hands.

8 In this -- well, in most cases the race or  
9 nationality of a defendant is irrelevant. In this case,  
10 because of the requirements under federal law, it will be  
11 necessary for the United States to prove as an element of the  
12 offense charged in the indictment that the individual is an  
13 Indian and that the crimes occurred in Indian country, the  
14 Wind River Indian Reservation to be specific. These are  
15 jurisdictional matters affecting whether the federal court has  
16 jurisdiction and requires the matter to be proved as to racial  
17 membership, which would otherwise not be relevant.

18 Does anyone have any concerns or problems with that  
19 being an element in this matter given the nature of the law?  
20 Does anyone have any concerns with that? If so, please raise  
21 your hand. I don't see any raised hands.

22 I will tell you, apart from that jurisdictional  
23 requirement, the issues as to race or nationality will play  
24 and should play no part in your decision in this case and your  
25 evaluation of the evidence.

1           Let me ask, has anyone ever had any experiences, good  
2 or bad, with Native American people or with the Native  
3 American tribe or a tribe? If so, please raise your hand.

4           All right. Juror Number 10. Could you tell us about  
5 that, sir?

6           JUROR NUMBER 10: Actually, it's twofold. Wind River  
7 children living in Sheridan, we were going across the Indian  
8 reservation to the north and were stopped by several Indians  
9 there with a shotgun who were looking for another tribal  
10 member. And I wasn't old enough to recall all the details,  
11 but it sounded like it was pretty difficult for my father. On  
12 the other hand, I -- according to my mother, I'm an eighth  
13 Indian, probably Arapaho, and have had some positive  
14 experiences as well.

15           THE COURT: All right. Let me ask you, ultimately,  
16 based upon those experiences, do you have any concern as to  
17 your ability to fairly and impartially consider the evidence  
18 and render a verdict according to that evidence and not based  
19 upon those experiences one way or another?

20           JUROR NUMBER 10: I do not.

21           THE COURT: Thank you, sir.

22           I believe that there was another hand. Juror  
23 Number 33.

24           JUROR NUMBER 33: I currently work with a student at  
25 the YES house that is from the Wind River Reservation.

1           THE COURT: All right. And anything about that work  
2 or experience that would cause you to not be able to fairly  
3 and impartially consider the evidence in this case based upon  
4 what's presented here in court and not those experiences?

5           JUROR NUMBER 33: No, sir.

6           THE COURT: Thank you, ma'am.

7           Juror Number 52 -- I'm sorry. Not 52. 54.

8           JUROR NUMBER 54: My father worked for the Bureau of  
9 Indian Affairs for most of my growing up, and I lived on the  
10 Flathead Indian Reservation and the Makah Indian Reservation  
11 when I was growing up.

12          THE COURT: Anything about those experiences that  
13 would cause you any difficulty to fairly and impartially view  
14 the evidence?

15          JUROR NUMBER 54: No.

16          THE COURT: All right. Thank you, ma'am.

17          I believe there was someone -- Juror Number 9. Oh,  
18 yeah. Let's go to Juror Number 9. And then I think we have  
19 another microphone in the back for Juror Number 19.

20          But Juror Number 9 at this time.

21          JUROR NUMBER 9: I don't think this makes much of  
22 a -- so a high percentage of the students at the school I work  
23 for are all the Wind River Indian Reservation. I only have  
24 one in the middle school that is part of the special education  
25 department that I work directly with, but I do have

1 interactions with both Shoshone and Arapaho on a regular basis  
2 because of school functions and things like that.

3 THE COURT: Anything about those interactions and  
4 experiences that might cause you any difficulty to solely base  
5 this case upon the evidence presented?

6 JUROR NUMBER 9: No.

7 THE COURT: All right. Thank you, ma'am.

8 I know that Juror Number 19 -- if we could hand Juror  
9 Number 19 a microphone.

10 JUROR NUMBER 19: I believe I've had a few students  
11 who were a resident of the Wind River Reservation, but, you  
12 know, one or two classes, not anything that would be  
13 prejudicial one way or the other.

14 THE COURT: All right. Nothing about those  
15 interactions would cause you any difficulty?

16 JUROR NUMBER 19: No, sir.

17 THE COURT: Thank you.

18 Anyone else? I don't see any other raised hands.

19 Oh, Juror Number 37.

20 JUROR NUMBER 37: I also have had students from the  
21 Wind River Reservation. I also attended college with a couple  
22 of people from the -- that reservation. Being raised in  
23 Montana, I was raised in Augusta, Montana, which is right by  
24 the Blackfoot reservation and have shirttail relatives there.

25 THE COURT: All right. And anything about those

1 interactions, ma'am, that would cause you any difficulty to be  
2 fair and impartial to both sides?

3 JUROR NUMBER 37: No, sir.

4 THE COURT: All right. Thank you.

5 Anyone else? And the gist of those questions and the  
6 ultimate matter they want to verify with you is that there's  
7 nothing about those experiences that would cause you to not be  
8 able to fairly and impartially and critically evaluate the  
9 testimony, give both sides your fair and unbiased disposition  
10 in this matter in accordance with the law. Anyone have any  
11 concerns as to their ability to do so? If so, please raise  
12 your hand. I don't see any raised hands.

13 Does anyone have any contracts with the federal  
14 government? Are you employed by or does your significant  
15 other or your family have any agreements or contracts with the  
16 federal government or an agency of the federal government? In  
17 other words, a financial interest tied to it. If so, please  
18 raise your hand.

19 Let me see Juror Number 39. We'll work our way back.

20 JUROR NUMBER 39: I don't know if this counts, but my  
21 son-in-law drives trucks for the post office. So he makes  
22 money carrying the mail back and forth. And my significant  
23 other works for the post office.

24 THE COURT: All right. Anything about those  
25 relationships that would cause you to feel like, well, if I

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1 don't decide this case in favor of the government, then  
2 they're going to lose their job?

3 JUROR NUMBER 39: No.

4 THE COURT: All right. Fair enough. Thank you.  
5 Juror Number 54.

6 JUROR NUMBER 54: My father's employed by the federal  
7 government for 39 years and is currently living on a pension  
8 from the government.

9 THE COURT: All right. Anything that would cause you  
10 concern to decide this case one way or another in terms of his  
11 pension or any other relationships?

12 JUROR NUMBER 54: No.

13 THE COURT: All right. Thank you, ma'am.  
14 Juror Number 42.

15 JUROR NUMBER 42: I also work for the post office,  
16 and it won't have an effect on me.

17 THE COURT: Fair enough. Thank you, sir.

18 The next row, I believe Juror Number 25.

19 JUROR NUMBER 25: I work part-time for the Department  
20 of Defense. I administer the military entrance exam for the  
21 Bighorn Basin.

22 THE COURT: Any concerns as to that work not being  
23 given to you if you decide this case one way or another?

24 JUROR NUMBER 25: No.

25 THE COURT: All right. Very well. Thank you, ma'am.

1 Juror Number 10.

2 JUROR NUMBER 10: We have a number of contracts off  
3 and on with federal agencies, armed service, forest service,  
4 that type of thing. And it shouldn't have any impact on my  
5 ability to give an impartial decision.

6 THE COURT: Very well. Thank you, sir.

7 Juror Number 19.

8 JUROR NUMBER 19: My cousin, first cousin, is  
9 employed by the FBI in some capacity. It should not affect my  
10 ability to render any sort of judgment impartially.

11 THE COURT: Very well. Thank you, sir.

12 Anyone else? Bottom line is, we don't want anyone  
13 selected to serve on this jury that would feel that if they  
14 didn't decide this case one way or another that their family  
15 or relative or own personal income would be impacted. So I  
16 appreciate your answers.

17 This ties back briefly to the issues regarding the  
18 Wind River Indian Reservation and Native Americans.  
19 Sometimes -- well, there's a lot of people that feel like the  
20 federal government shouldn't be involved in certain things,  
21 but one of the issues obviously here is does anyone believe  
22 that one way or another that the federal government should not  
23 be involved in crimes alleged to have occurred on the Wind  
24 River Indian Reservation? If so, please raise your hand. I  
25 don't see any raised hands.

1 MS. AMRAM: Your Honor, could we have a bathroom  
2 break? Do you know how long it's going to be?

3 THE COURT: Let's take a 15-minute recess. I'm going  
4 to remind you all, please do not discuss this case amongst  
5 yourselves or with anyone, particularly these people here at  
6 the tables. They're all very friendly and kind folk, but they  
7 cannot discuss this case with you. Make sure you come back  
8 and sit where you were seated. Those of you on the north side  
9 of the room can sit -- as long as you're on the north side,  
10 you can sit anywhere you want. But please come back because  
11 I've had people leave, and then we've had to send marshals  
12 after them. So please come back, take your seats on the south  
13 side where you were, and we'll resume after the restroom  
14 break. Thank you.

15 (At 11:04 a.m., a recess was taken until 11:24 a.m.)

16 THE COURT: Thank you. Please be seated. I note the  
17 presence of defendant, counsel, counsel for the Government,  
18 and the ladies and gentlemen of the jury panel.

19 Ladies and gentlemen, thank you for coming back and  
20 taking those seats that were assigned to you.

21 Let me ask, does --

22 MS. AMRAM: Your Honor, could we have a brief  
23 sidebar?

24 THE COURT: You may.

25 (At sidebar.)



1 MS. AMRAM: Sorry. I thought, from Crystal, that we  
2 were supposed to ask now, but we wanted to ask if we could  
3 have more time for voir dire. And I'm so sorry I forgot to  
4 ask earlier. We want 45 minutes because we're worried about  
5 having enough time to talk to people for challenges for cause  
6 because of how many people have been raising their hands at  
7 various things. And we're really trying to narrow our voir  
8 dire, I promise, but we were hoping for 45 minutes.

9 THE COURT: Mr. Conder, anything?

10 MR. CONDER: I'd leave it to the Court.

11 THE COURT: 30 minutes. I'll cover some additional  
12 matters and try to get in some areas so that you can focus.  
13 But I don't see that more than 30 minutes would be necessary.  
14 The responses by this jury haven't been anything different  
15 than any other jury panels I've had in the last 15 years. And  
16 30 minutes is what I've allocated. I think it should be  
17 sufficient.

18 MS. AMRAM: Thank you.

19 THE COURT: Thank you.

20 (End of sidebar.)

21 THE COURT: I'm sorry, ladies and gentlemen. One  
22 housekeeping matter I had to take care of.

23 All right. Do any of the ladies and gentlemen of the  
24 jury panel seated on the -- without jeopardy to the ladies and  
25 gentlemen on the north side, do any on the south side have any

1 personal knowledge of this case or the charges that have been  
2 brought in this case? Has it caused -- do you recall anything  
3 about or concerning this case? Does anyone have any such  
4 knowledge or believe that they may?

5 Let me start with Juror Number 9. Let me have you  
6 come forward. I'm going to have a sidebar with Juror Number  
7 9.

8 (At sidebar.)

9 THE COURT: I need you to speak into this microphone,  
10 ma'am. Could you tell us what is it that you may have  
11 recalled about or concerning this case.

12 JUROR NUMBER 9: I think I remember reading something  
13 briefly like on our County 10 News site, and I remember like  
14 their names, but I don't -- that's --

15 THE COURT: That's all you remember?

16 JUROR NUMBER 9: I don't generally open up and read  
17 anything.

18 THE COURT: Okay.

19 JUROR NUMBER 9: But the names just sound familiar.

20 THE COURT: All right. To the extent that there's  
21 anything else that you would recall, can you understand that  
22 the only evidence that you may consider in arriving at a  
23 verdict in this case would be based upon the evidence here in  
24 court, and anything that you read about this case or that you  
25 may suddenly think, oh, I recall them mentioning something,

1 would not be information you could consider?

2 JUROR NUMBER 9: Right.

3 THE COURT: And you understand that?

4 JUROR NUMBER 9: Yes.

5 THE COURT: And you could follow that instruction?

6 JUROR NUMBER 9: Yes.

7 THE COURT: Any follow-up, Ms. Amram?

8 MS. AMRAM: No.

9 THE COURT: Mr. Conder?

10 MR. CONDER: No.

11 THE COURT: Thank you, ma'am.

12 (End of sidebar.)

13 THE COURT: There was another juror, Number 10.

14 (At sidebar.)

15 THE COURT: Juror Number 10, anything that -- what is  
16 it that you may have recalled about this case?

17 JUROR NUMBER 10: My brother-in-law and his family  
18 live in Riverton, and I seem to recall that there were two  
19 gentlemen that had beat someone with a hammer or something.

20 THE COURT: All right.

21 JUROR NUMBER 10: It seemed like it tied to this, so  
22 that was just -- it seemed like there was a connection.

23 THE COURT: Okay. Anything in this case?

24 JUROR NUMBER 10: No personal knowledge.

25 THE COURT: Okay. In this case, if you're selected

1 to serve as a juror, you would only be allowed to consider the  
2 evidence presented. You wouldn't be allowed to consider  
3 anything about any prior information that may have been told  
4 to you or relayed to you. Can you follow that admonition and  
5 follow and only consider the evidence presented here in the  
6 court?

7 JUROR NUMBER 10: Yes.

8 THE COURT: All right. Beyond that, you just heard  
9 someone say something about an event that occurred. Do you  
10 recall when that was?

11 JUROR NUMBER 10: Maybe a year and a half ago.

12 THE COURT: Okay. Any follow-up, Ms. Amram or  
13 Ms. Huckle?

14 MS. HUCKE: I was having a little bit hard time  
15 hearing. You had a family member that let you know that this  
16 case had occurred?

17 JUROR NUMBER 10: I'm sorry. My brother-in-law and  
18 his family live in Riverton. So I was just down there, and I  
19 heard this -- I think might be this case down in the public  
20 purview that they'd found somebody who had been murdered.

21 MS. HUCKE: Okay. So you remembered that you had a  
22 conversation with your family member about that when you were  
23 there?

24 JUROR NUMBER 10: I probably did. I don't know that  
25 it was -- I don't recall much of the discussion.

1 MS. HUCKE: So you don't recall much of what anyone's  
2 opinions were about the case or what they thought the case was  
3 about?

4 JUROR NUMBER 10: Not really. Just generalities that  
5 showed up in the press.

6 THE COURT: And you formed no opinions based upon  
7 that information yourself?

8 JUROR NUMBER 10: No.

9 THE COURT: Okay. Mr. Conder, any follow-up?

10 MR. CONDER: Nothing.

11 THE COURT: Anything further, Ms. Hucke?

12 MS. HUCKE: No.

13 THE COURT: All right. Thank you, sir.

14 (End of sidebar.)

15 THE COURT: Is there anyone else that believes they  
16 may have heard anything about this case?

17 Juror Number 1, if you could come forward, please.

18 (At sidebar.)

19 JUROR NUMBER 1: I don't want to get in trouble. I  
20 mean, just working for VOA, the only thing I know is that we  
21 had VOA employees that were subpoenaed as witnesses and then  
22 were let go from being witnesses. But it's not my program  
23 down in that area.

24 THE COURT: Tell me, who do you recall in terms of  
25 witnesses being subpoenaed?

1 JUROR NUMBER 1: Kelly Buckingham and Courtney Green.

2 THE COURT: All right. Do you know anything as to  
3 the detail, why they may have been subpoenaed?

4 JUROR NUMBER 1: No.

5 THE COURT: Was there any discussion among -- with  
6 you or anyone else that you know of about the details of this  
7 matter?

8 JUROR NUMBER 1: No.

9 THE COURT: So all that you know is that someone --

10 JUROR NUMBER 1: And it's -- I just knew one of our  
11 programs housed an individual.

12 THE COURT: And do you know anything about what that  
13 individual was accused of doing or having done?

14 JUROR NUMBER 1: No. And no names, nothing. I  
15 didn't -- other than they had just -- it was a blanket  
16 statement in one of our directors meetings saying that a  
17 couple of directors had been subpoenaed and were having to  
18 testify, and it was just basically for coverage purposes and  
19 for an individual that may have been at our Center of Hope.

20 THE COURT: Okay. And any of that information  
21 discuss any details regarding what's believed to have  
22 happened?

23 JUROR NUMBER 1: No. That -- that was pretty much  
24 it.

25 THE COURT: All right. Any follow-up, Ms. Huckle?

1 MS. HUCKE: No.

2 THE COURT: Mr. Conder?

3 MR. CONDER: Your Honor, I guess nothing about --  
4 just the notice, I guess, if the Court would allow us to  
5 discuss this later on, possibly knowing certain witnesses, if  
6 that would impact things like that. But I don't know if we  
7 need to do that here.

8 THE COURT: So you don't use up your time, I'm going  
9 to give you the opportunity to identify the witnesses that you  
10 plan to call. And then I'll ask the ladies and gentlemen of  
11 the panel if they recognize any of those. And I'll do that  
12 for both sides so you can get that.

13 Thank you, ma'am.

14 JUROR NUMBER 1: Okay.

15 (End of sidebar.)

16 THE COURT: Anyone else on the jury panel on the  
17 south side that believe that they may have heard anything  
18 about this matter? If so, please raise your hand. I don't  
19 see any further hands.

20 All right. Thank you, Counsel.

21 I neglected previously to ask this, so I'm going to  
22 expand. I talked to you about jury service and prior jury  
23 service. There also may be people that have been selected or  
24 served on a grand jury. Does anybody believe -- or has anyone  
25 been selected to serve on a grand jury? If so, please raise

1 your hand. I don't see any raised hands.

2 All right. I touched briefly on this, but I want to  
3 verify, during the course of this trial and at the end of this  
4 trial, I will instruct you as to the law that you will be  
5 required to apply in considering and reaching a verdict in  
6 this case. Does anyone have any concerns as to their ability  
7 to follow the law as instructed? If so, please raise your  
8 hand. I don't see any raised hands.

9 Some of you may have had -- and I know -- I think  
10 juror -- maybe it's Juror Number 25, I think you may have some  
11 paralegal experience. Anyone else that has any legal  
12 experience or legal training? If so, please raise your hand.  
13 I don't see any raised hands.

14 And then let me ask you, ma'am, to the extent that  
15 there would be any instructions of law that you would disagree  
16 with, would you be able to set that disagreement aside and  
17 follow the law as instructed to you by this Court?

18 And could we hand her a microphone.

19 Sorry. Could you follow the law as instructed?

20 JUROR NUMBER 25: Yes, sir.

21 THE COURT: All right. Thank you.

22 Let me ask at this time, if I could have counsel for  
23 the United States identify or list the witnesses they plan on  
24 calling in this case. And I'm going to ask all of you to  
25 listen carefully to those names. And then we'll cover any of



1       them that we need to address.

2               Mr. Conder.

3               MR. CONDER: Thank you, Your Honor.

4               Your Honor and ladies and gentlemen of the jury, the  
5       United States would call Charles Dodge, II, from Arapahoe,  
6       Wyoming. Next, Alice Moss from Arapahoe, Wyoming. Mark  
7       Stratmoen, Fremont County Coroner. Dr. Rob Palmer,  
8       toxicologist in Colorado. Bernadette Brown, Fremont County,  
9       Wyoming. Matthew Whiteplume, Arapahoe, Wyoming. Bridget  
10      Oldman, Fremont County, Wyoming. WinterHawk Felter, Fremont  
11      County, Wyoming. Fatima Addison from Fremont County, Wyoming.  
12      Little Sun Felter, also from Fremont County. Irene Jenkins,  
13      Fremont County. Loren Shakespeare, Edd Shakespeare, both from  
14      Fremont County. Isaac Sitting Eagle, Fremont County. FBI  
15      Special Agent Chris Coble from the Lander branch office.  
16      Jaclyn Garfinkle, FBI crime lab, Quantico, Virginia. Donna  
17      Oldman, Colorado. Dionne Addison, Sheridan. Donnell  
18      Littleshield, Fremont County. Jessica Guffey, Fremont County.  
19      Dr. Michael Burson, Colorado.

20              THE COURT: Let me ask, ladies and gentlemen of the  
21      jury panel, any of those names -- do you recognize any of  
22      those names? If so, please raise your hand. All right. I  
23      see two raised hands. Don't be shy in raising your hands  
24      because my vision isn't that good. All right. I see two.

25              Let me ask, Juror Number 9, of those names, what

1 names do you recognize?

2 JUROR NUMBER 9: Being from Fremont County, I know  
3 Mark Stratmoen is our coroner.

4 THE COURT: All right. Do you know him personally?

5 JUROR NUMBER 9: No.

6 THE COURT: And do you have any opinions one way or  
7 another as to --

8 JUROR NUMBER 9: No.

9 THE COURT: -- his performance?

10 Next person. Any others?

11 JUROR NUMBER 9: The Oldman -- Oldman family, I do  
12 have one student within the school district I work for I'm  
13 sure is some relation somehow. I do not work directly with  
14 her. She's in the high school, and I'm in the middle school.  
15 But she was not on that list. But I'm sure there's a family  
16 tie in there somewhere.

17 THE COURT: And any interactions with that that could  
18 cause you to feel or view things one way or another with  
19 regards to --

20 JUROR NUMBER 9: No.

21 THE COURT: All right. Thank you.

22 I believe it was Juror Number --

23 MR. CONDER: Your Honor, I apologize. I omitted one  
24 witness. Alise Trosper from the Wind River Police Department.  
25 Alise Trosper. Sorry about that.

1 THE COURT: Anyone recognize that name? If so, raise  
2 your hand. I don't see any raised hands.

3 Juror Number 54, if you could hand the microphone to  
4 her.

5 JUROR NUMBER 54: It's just the same case with me  
6 being from Fremont County. I recognize many of the names, but  
7 I don't have any personal knowledge of or interactions with  
8 them.

9 THE COURT: None of them are friends or relatives  
10 or --

11 JUROR NUMBER 54: No.

12 THE COURT: All right. And based upon the  
13 recognition of those names, none of them would cause you to,  
14 well, if that person testifies, there's no way I could believe  
15 that or anything else? You don't have any predisposition?

16 JUROR NUMBER 54: No, Your Honor.

17 THE COURT: Thank you, ma'am.

18 Anyone else recognize any of the witnesses identified  
19 by the United States? If so, please raise your hand. I don't  
20 see any raised hands.

21 I'd turn to the defense at this time to identify the  
22 witnesses they anticipate that may be called.

23 MS. AMRAM: Gina Reed, Natasha Keele, Colleen Rupp,  
24 Cassandra Goggles, Thomas Brown, Bo Rush, Brian McVicker from  
25 the FBI crime lab, Marsha Blackburn, Wanda Posey, Tara Brown,

1 Alvinita Oldman, Tanika Montoya, Rachel Fail, Jori Lamebull,  
2 Monty Tabaho.

3 THE COURT: Anyone on the jury panel recognize those  
4 names? If so, please raise your hand. I don't see any raised  
5 hands.

6 All right. Thank you, Counsel.

7 Let me ask, have anyone or anyone close to you been a  
8 victim of any violence in terms of domestic or otherwise?

9 Juror Number 19.

10 JUROR NUMBER 19: Yes. A friend of mine in Arizona  
11 is currently going through a law -- legal proceedings to  
12 protect herself from a former domestic partner who's been  
13 violent. And one of my closer students was murdered about a  
14 year ago.

15 THE COURT: All right. Anything about those  
16 situations that would cause you to have any difficulty to  
17 fairly and impartially view the evidence in this case and  
18 decide it based upon that evidence and that evidence alone?

19 JUROR NUMBER 19: No.

20 THE COURT: All right. Thank you, sir.

21 JUROR NUMBER 19: Thank you.

22 THE COURT: Anyone else? Juror Number 44.

23 JUROR NUMBER 44: I experienced stalking at a  
24 different part of my life. I also worked with the advocacy  
25 center in Sheridan as a volunteer.

1 THE COURT: And do you still do that, ma'am, or was  
2 that formerly?

3 JUROR NUMBER 44: That was formerly. I do not at  
4 this time.

5 THE COURT: And based upon your prior situation with  
6 regards to stalking and working with the advocacy center, do  
7 you have any concerns as to your ability to set those issues  
8 aside and decide this case based solely on the evidence  
9 presented to you in this case?

10 JUROR NUMBER 44: No. They don't affect anything.

11 THE COURT: All right. Thank you, ma'am.

12 Juror Number 10.

13 JUROR NUMBER 10: My sister was raped when she was  
14 young.

15 THE COURT: All right.

16 JUROR NUMBER 10: It should have no impact on my  
17 ability to be impartial in this case.

18 THE COURT: And, sir, where did those unfortunate  
19 events occur?

20 JUROR NUMBER 10: Green River, Wyoming.

21 THE COURT: All right. Thank you. Anyone else?

22 Juror Number 9.

23 JUROR NUMBER 9: Mine was discussed previously with  
24 the domestic violence, but that was it.

25 THE COURT: All right. Fair enough. Thank you,

1 ma'am.

2 Have any of you ever had occasion to call the police  
3 for your own protection or for someone else's protection? If  
4 so, please raise your hand.

5 Juror Number 41.

6 JUROR NUMBER 41: When I worked at Life Steps --

7 THE COURT: I'm sorry. It must be off.

8 JUROR NUMBER 41: When I worked at Life Steps, we had  
9 an incident where somebody came and tried to break into the  
10 building. And we also had an incident where some people came  
11 in and stole food from the residents.

12 THE COURT: All right. Any concerns as to those  
13 incidences causing you any difficulty in being able to fairly  
14 and impartially consider the evidence in this case?

15 JUROR NUMBER 41: No, sir.

16 THE COURT: Thank you, ma'am.

17 Juror Number -- I know there was another juror I saw  
18 over there. Juror 34.

19 JUROR NUMBER 34: I just have -- I just -- I had  
20 quite a few foster children in my house, and there were a  
21 couple that were out of control that I needed to call the  
22 police on to help me control them.

23 THE COURT: All right. And anything about those  
24 incidences that would cause you difficulty?

25 JUROR NUMBER 34: No.

1 THE COURT: All right. Thank you, ma'am.

2 Juror Number 33. Actually, did I skip someone?

3 Juror Number 44, did you raise your hand, ma'am?

4 JUROR NUMBER 44: Yes, I did. It was involved with  
5 the stalking that I experienced.

6 THE COURT: All right. Thank you, ma'am.

7 And Juror Number 33 then, I believe.

8 JUROR NUMBER 33: I called the police once on a child  
9 that lived down the street that was beaten by his parents, and  
10 the police did contact the parents. And over the years,  
11 there's been numerous cases where I've reported not directly  
12 to the police but to my administration, and they contacted the  
13 police.

14 THE COURT: All right. Anything about those  
15 circumstances that would cause you any difficulty if selected  
16 in this case?

17 JUROR NUMBER 33: No.

18 THE COURT: All right. Thank you, ma'am.

19 Anyone else? If so, please raise your hand. I don't  
20 see any other raised hands.

21 In this case you will be called upon as jurors, if  
22 selected, to decide the facts and render a verdict based upon  
23 the law as given by this Court. In arriving at that verdict,  
24 you will not be allowed and will be precluded from considering  
25 any consequences of that verdict in the sense of any

1 punishment or otherwise.

2 Does anyone have any difficulty in saying, well,  
3 jeez, if I don't know what the punishment is, then I can't  
4 render a verdict? Does everyone understand that the only  
5 thing that they will be asked to do and only can do is render  
6 a verdict as to guilt or innocence and not take into  
7 consideration in doing so any punishment that could be  
8 imposed? Anyone have any concerns with that? If so, please  
9 raise your hand. I don't see any raised hands.

10 In this case you'll also be instructed that your  
11 verdict must be based upon the facts and can't be based upon  
12 any sympathy, passion, or prejudice for any party or any  
13 person. Does anyone have any difficulty in deciding a verdict  
14 without consideration of any passion, prejudice, or sympathy  
15 for any party, person, or potential victim? If so, please  
16 raise your hand. I don't see any raised hands.

17 Under our constitution, people that are charged with  
18 a crime, we have the right to remain silent. We don't have  
19 any obligation to make any statements, answer any questions,  
20 call any witnesses to prove our innocence. A defendant is  
21 presumed innocent unless and until the Government proves  
22 beyond a reasonable doubt otherwise. Does anyone have any  
23 difficulty with that concept and that constitutional  
24 requirement and presumption of innocence? If so, please raise  
25 your hand. I don't see any raised hands.



1           In this case the defendant has no obligation to  
2 testify. And if the defendant chooses not to testify, you  
3 cannot consider that in any way, shape, or form in determining  
4 his innocence or guilt. Does anyone have any difficulty in  
5 understanding and applying that in terms of any verdict they  
6 render in this case? If so, please raise your hand. I don't  
7 see any raised hands.

8           Does anyone feel by the mere fact that Mr. Oldman is  
9 sitting at that table that he must have done something wrong?  
10 Does anyone feel that or believe that? If so, please raise  
11 your hand. I don't see any raised hands.

12           In this case it is noted it will be the Government's  
13 burden to prove that Mr. Oldman is guilty, and the presumption  
14 of innocence will exist unless and until the Government does  
15 so. He won't be required to introduce any evidence  
16 whatsoever, and the burden rests entirely on the Government.

17           Does anyone tend to believe that a defendant should  
18 put on some evidence to be innocent? Does anyone have that  
19 belief? If so, please raise your hand. I don't see any  
20 raised hands.

21           One minute.

22           Has anyone here ever been to the Wind River Indian  
23 Reservation? If so, please raise your hand. And has anyone  
24 had any negative experiences when they've traveled to the Wind  
25 River Indian Reservation? If so, please raise your hand.

1 Juror Number 2, if I could get the microphone to him.

2 JUROR NUMBER 2: As I'm a truck driver, the Wind  
3 River Reservation's on my route, all of Fremont County. But  
4 at one time I was away from my truck for just a minute and  
5 seen a pretty wiped out native walking past my truck looking  
6 inside the door to possibly step in and look around. And I  
7 just hollered at him and told him to get out of there. And  
8 that was the end of it.

9 THE COURT: Given that experience, do you have any  
10 concerns as to your ability to fairly and impartially consider  
11 the evidence in this case and decide this case based upon  
12 solely the evidence presented here --

13 JUROR NUMBER 2: No.

14 THE COURT: And any other experience you've had?

15 JUROR NUMBER 2: No, not at all.

16 THE COURT: Thank you, sir.

17 And ladies and gentlemen, something that I want to  
18 emphasize to you in terms of responding in voir dire and in  
19 terms of jury selection. We're not here to judge you, but you  
20 are here to judge these parties. And because of that, it's  
21 extremely important that you judge impartially without bias or  
22 prejudice. And we all have biases or prejudices. The  
23 question for today is, does that bias or prejudice impact your  
24 ability to give these parties a fair and impartial trial,  
25 consider the evidence, and decide it accordingly. So I

1 appreciate your candor in terms of responding.

2 Anyone else have any experiences either way, negative  
3 or positive?

4 One moment.

5 I'm going to expand this a little bit. Does anyone  
6 have friends or family members that live on the Wind River  
7 Indian Reservation or any reservation, Indian reservation? If  
8 so, please raise your hand. I don't see any raised hands.

9 MS. AMRAM: Your Honor, I believe Number 19 had  
10 raised his hand for this earlier.

11 THE COURT: Juror Number 19.

12 JUROR NUMBER 19: Yes. As far as experiences with  
13 the Wind River Reservation, my church did an outreach with a  
14 little liturgical ceremony there, and -- at the last meeting  
15 back in, I believe, October of last year. It was a pleasant  
16 experience. There were no bad experiences, but it was a  
17 positive experience on the reservation.

18 THE COURT: All right. Thank you, sir.

19 MS. AMRAM: And, Your Honor, I believe --

20 THE COURT: And Juror Number 10.

21 JUROR NUMBER 10: I was wondering if I should speak  
22 up. I'm sure I have relatives there by genetics. But my mom  
23 was adopted when she was young, and her father died without me  
24 ever even meeting my grandfather.

25 THE COURT: All right. Anything about that

1 experience that could impact your ability to decide this case  
2 impartially?

3 JUROR NUMBER 10: I don't believe so.

4 THE COURT: Thank you, sir.

5 Juror Number 13?

6 JUROR NUMBER 13: 13. As far as family members goes,  
7 I got a brother-in-law who lives in a reservation in South  
8 Dakota.

9 THE COURT: Anything about that experience or his  
10 experiences that would --

11 JUROR NUMBER 13: None whatsoever, no.

12 THE COURT: All right. Thank you, sir.

13 Anyone else? All right. Thank you.

14 Let me ask you one particular final question. Is  
15 there any question that I have failed to ask you that you're  
16 sitting there thinking, oh, boy, if the judge asks me that  
17 question or if one of these lawyers asks me that question,  
18 it's over. Is there anything that is weighing on your mind  
19 that would cause you to question your ability if seated in  
20 either -- at either of these tables to get a fair and  
21 impartial trial in this matter? Does anyone have any  
22 concerns? If so, please raise your hand. I don't see any  
23 raised hands. All right. Thank you, ladies and gentlemen.

24 At this time I would recognize the United States for  
25 follow-up voir dire. Mr. Conder.

1 MR. CONDER: Thank you, Your Honor. Ladies and  
2 gentlemen of the jury, it's my turn to tell you about me or  
3 something like that. So that's what I'm going to try to do  
4 here.

5 My name's Jason Conder. I'm an Assistant United  
6 States Attorney, and I work in the Lander branch office.  
7 Sitting here is Mikala Dawson. She's a paralegal specialist.  
8 She also works in the Lander branch office. She's been there  
9 25 years. Sitting next to her is FBI Special Agent Chris  
10 Coble. She works out of the Lander branch office of the FBI.

11 I work for the United States Attorney's Office. It's  
12 the federal prosecutor for the District of Wyoming, which the  
13 State of Wyoming and Yellowstone, even that little part that  
14 goes into Idaho and Montana. I don't think Idaho and Montana  
15 like that, but Wyoming does.

16 My boss, the U.S. Attorney, is Mark Klaassen. There  
17 are three -- four offices in the District of Wyoming. There's  
18 one in Cheyenne. That's the main office. There's one here in  
19 Casper. There's the Lander office, and then there's a  
20 Yellowstone office. So that's who we are.

21 So the first question I would ask is, does anyone  
22 know any of the folks that work at the U.S. Attorney's Office?  
23 Would be in Cheyenne, Casper, Lander, or Yellowstone. If  
24 anybody knows of anybody that works for the U.S. Attorney's  
25 Office? No hands.

1           The next one would be -- and this -- for the folks  
2           probably in Fremont County, but everybody in Lander, Wyoming,  
3           there are several people that work for the FBI. There are  
4           five special agents and several other support staff, other  
5           coordinator positions for the FBI. Is there any of you ladies  
6           and gentlemen that know any of the FBI agents in Lander,  
7           Wyoming?

8           Juror Number 54.

9           JUROR NUMBER 54: Do you want me to give you a name?

10          MR. CONDER: Sure.

11          JUROR NUMBER 54: Justin Kempf.

12          MR. CONDER: And how do you know Justin Kempf?

13          JUROR NUMBER 54: We lived across the street from him  
14          when he first moved to town, and kids are friends. We go to  
15          the same church.

16          MR. CONDER: And have you talked to Mr. Kempf about  
17          this case or any case that he's worked?

18          JUROR NUMBER 54: No. Never.

19          MR. CONDER: And would your relationship with him  
20          impact your ability to sit fairly and impartially?

21          JUROR NUMBER 54: No. I don't think he'd like that  
22          if it did.

23          MR. CONDER: Thank you.

24          Anyone else?

25          This is the tough one. I was going to ask who

1 watches TV, but we all watch TV. So one thing that's on TV a  
2 lot, are crime scene shows: *CSI*, *Law & Order*, whatever the  
3 du jour cop show is of the day. And one of the things that it  
4 seems like they always show is every single case has a  
5 fingerprint, every single case has DNA, every single case has  
6 an awesome prosecutor. And none of those things are true.

7           So is there anyone, ladies and gentlemen, that  
8 believes that forensic evidence is required in every single  
9 case and that TV is accurate; that you can just walk into a  
10 house and find all you want and have it done in 15 minutes?  
11 Is there anyone that believes that forensic evidence is  
12 absolutely required; that if there's no fingerprints, then  
13 that's it?

14           Ladies and gentlemen, this case involves an  
15 allegation of murder. You will hear evidence, see evidence  
16 that may be disturbing. Do any of you have any issues,  
17 worries, concerns, thoughts about how you may feel having to  
18 listen to or see graphic images from a coroner, from a  
19 pathologist? Is there anybody?

20           I'm bouncing around here. I apologize. Is there  
21 anybody, ladies and gentlemen, ever had a problem with alcohol  
22 or a family member with alcohol that would cause you to doubt  
23 your ability to sit impartially?

24           Ladies and gentlemen, oftentimes the Government may  
25 enter into a plea agreement with a co-defendant who becomes a

1 witness. And that co-defendant turned witness may testify and  
2 can testify. Are there any of you that have thoughts or  
3 opinions about the Government entering plea agreements and  
4 having defendants or co-defendants testify as witnesses?

5 Would any of you have trouble sitting in judgment  
6 or -- sitting and listening fairly and impartially to somebody  
7 who is in that situation? Would you tend to believe them  
8 immediately, or would you tend to disbelieve them immediately?

9 I don't mean to pick on anyone in particular, so I  
10 apologize. But I would ask Juror Number -- I want to make  
11 sure I have my numbers right. Juror Number 1. You work for  
12 the VOA; is that right?

13 JUROR NUMBER 1: Correct.

14 MR. CONDER: And are you familiar with the Center of  
15 Hope detox center in Riverton?

16 JUROR NUMBER 1: I am.

17 MR. CONDER: And if there were witnesses or issues  
18 from there, would they affect you?

19 JUROR NUMBER 1: No. It's a different program from  
20 what I --

21 THE COURT: I'm sorry. Could we get her a  
22 microphone?

23 JUROR NUMBER 1: Okay. I got it.

24 THE COURT: Thank you.

25 MR. CONDER: And so do you work in the same -- is it



1 the same program?

2 JUROR NUMBER 1: No. Separate county. I oversee  
3 Sheridan and Johnson Counties.

4 MR. CONDER: Do you have the same management  
5 structure?

6 JUROR NUMBER 1: As?

7 MR. CONDER: Let me rephrase that. So would your  
8 boss, were you working in Sheridan, be the same boss for  
9 somebody working down in Riverton?

10 JUROR NUMBER 1: In our current structure? No.  
11 It -- a month ago, yes, or two months ago, I guess it would  
12 have been.

13 MR. CONDER: And is there anything that if some of  
14 those individuals came to testify or issues came up regarding  
15 the Center of Hope in Riverton, would that impact your ability  
16 to sit fair and impartially?

17 JUROR NUMBER 1: No.

18 MR. CONDER: And, ladies and gentlemen, when I ask  
19 these questions, I always think back to when I was a kid and I  
20 was 12 years old and I started reffing basketball. That's a  
21 bad idea to have a 12-year-old ref basketball. But my dad  
22 told me, he said, you always have to make sure you're  
23 impartial. When you're reffing a team, there's two ways you  
24 can do it. If you're really close to them, sometimes you're  
25 harder on them than you should be, and just because you don't

1 want to look like you're biased. So you're going to be harder  
2 on them than you should be. And the alternative is you're  
3 lighter on them and give them all the calls.

4 Ladies and gentlemen, is there anything with regard  
5 to your feelings about the federal government -- not the most  
6 popular bunch right now, I get that -- but any feelings about  
7 the federal government that you would think, I just can't  
8 listen to them. They're just wolves, bears, the shutdown. I  
9 can't handle it. Whatever the Government's going to say, it's  
10 just bad news, and feel one way or the other. Is there  
11 anybody that would be unable to do that?

12 Anybody like the federal government?

13 Juror Number 49, I was going to ask with regard to  
14 your home, and you had to go to law -- take the lawsuit  
15 against the home manufacturer, whatever it was, who was the  
16 lawyer that was helping you?

17 JUROR NUMBER 49: Lloyd Johnson.

18 MR. CONDER: Is there anything about your interaction  
19 with him that would make you favor lawyers, not favor lawyers,  
20 anything like that that would impact you?

21 JUROR NUMBER 49: No. I mean, I -- I learned from  
22 it, you know. That's about it.

23 MR. CONDER: Are there any of you, if a witness comes  
24 in wearing orange and shackles and testifies as a prisoner,  
25 would that impact your ability to sit fairly and impartially

1 in judgment of their testimony? Anybody think, man, if he's  
2 in orange and shackles, I'm not trusting a word that guy says?  
3 Anybody think that?

4 Is there anyone out there who thinks if you were me,  
5 I would ask this question, and he needs to know about this?  
6 The Government needs to know about this. The defendant needs  
7 to know about this. Are there any of you, as you sit there  
8 today, trying to contemplate, boy, I better tell him that.  
9 This might make a difference. That might matter? Anybody  
10 have anything like that?

11 May I have a moment, Your Honor?

12 THE COURT: You may.

13 (Discussion off the record.)

14 MR. CONDER: Nothing further, Your Honor. Thank you.

15 THE COURT: Ms. Huckle, before I -- oops. Before I  
16 turn to you, there are two questions I forgot to follow up on  
17 in my voir dire. So I wanted to address those.

18 First, with regards to some of the exhibits in this  
19 matter, and Mr. Conder alluded to it, you'll be required as  
20 jurors, if selected to serve in this matter, to critically  
21 view, analyze, and consider all the evidence. And that will  
22 include potentially photographs and/or graphic images.

23 Does anyone have any concerns as to their ability to  
24 do so? If so, please raise your hand. All right. I don't  
25 see any raised hands.

1           The other thing, when he was talking about TV shows,  
2 a lot of people have preset notions as to how jury trials are  
3 and how cases are. And one of those that I need to dissuade  
4 is the lawyers that are in this courtroom are very capable and  
5 strong advocates for their respective clients, but they're  
6 also very professional. And they will treat each other  
7 civilly. There won't be any throwing of books or yelling or  
8 any rudeness or insolent behavior. Does anyone believe that  
9 in order to be an effective advocate for their clients that a  
10 lawyer has to be rude or they have to be uncivil to the other  
11 side? If so, please raise your hand. I don't see any raised  
12 hands.

13           Thank you. Ms. Huckle.

14           MS. HUCKE: Good morning. Does anyone here know what  
15 people report to be their biggest fear? Anybody have a guess?

16           Number 19.

17           JUROR NUMBER 19: Public speaking.

18           THE COURT: Public speaking. Thank you.

19           Yes, public speaking is the number one most reported  
20 fear. I suffer from that as well, which seems confusing  
21 because I've chosen a job to come up here and talk in front of  
22 people. So I always want to point that out. I'm nervous to  
23 be up here in front of you. You can probably tell. And I  
24 really appreciate all of you who have answered questions,  
25 shared your lives with us, and aspects of your lives, because

1 I know it's really a scary thing to do in a courtroom full of  
2 people and lawyers and a judge. So I really appreciate that.

3 And, really, I know Judge Skavdahl has talked about  
4 this, but it's really important to know that we're not looking  
5 to get a particular answer from anyone. And I know that seems  
6 kind of scary when you're out there and lawyers are asking you  
7 these questions. Where are they going? What do they want?  
8 But we really just want to know your thoughts and how you feel  
9 about things, because it's important to know if this is the  
10 right case for you to be on a jury.

11 Sometimes lots of cases come up, and there are  
12 different cases where people would be wonderful as jurors. I  
13 know for me it would be hard for me to sit on an animal  
14 cruelty case. I would come into that case already having with  
15 my own life experiences a hard time listening to all the  
16 evidence. And I wouldn't be a good juror for that. Perhaps a  
17 different case would be good for me. So that's why we're  
18 asking you these questions. And I just want you to know there  
19 are no wrong answers, and I really appreciate all of your  
20 responses.

21 So I want to kind of touch on -- I know Judge  
22 Skavdahl has asked you, but is anyone here familiar with the  
23 term "beyond a reasonable doubt"? Have you heard that before?  
24 I see some nodding.

25 Juror 42.

1 JUROR NUMBER 42: Yes, I'm familiar with the term.

2 MS. HUCKE: Okay. Where have you heard that term  
3 before?

4 THE COURT: Let me make sure we get him a microphone.  
5 Sorry.

6 MS. HUCKE: Sorry.

7 JUROR NUMBER 42: Yes, I'm familiar with that term.

8 MS. HUCKE: Where have you heard it?

9 THE COURT: Both in courtrooms as well as on  
10 television, et cetera.

11 MS. HUCKE: On television. What's your understanding  
12 about how high a level of proof that is?

13 JUROR NUMBER 42: Beyond a reasonable doubt, I mean,  
14 that's -- I have to have no doubt in order to render a  
15 verdict.

16 MS. HUCKE: Okay. Thank you. I saw other people  
17 nodding. Who else has heard that term before?

18 Juror 49.

19 JUROR NUMBER 49: I've heard it just in different  
20 places. I mean, my son having that arrest that they did with  
21 the gun, I mean, they had to prove everything. And it's just  
22 all the evidence you have to just look into everything.

23 MS. HUCKE: Uh-huh. Thank you.

24 Anybody else?

25 Juror 25.

1 JUROR NUMBER 25: In paralegal school.

2 MS. HUCKE: Okay. When you were in paralegal school,  
3 did you learn about the different levels of proof?

4 JUROR NUMBER 25: Yes.

5 MS. HUCKE: And what's your understanding as to where  
6 beyond a reasonable doubt would fall? Like here's the  
7 lowest --

8 JUROR NUMBER 25: It's the highest.

9 MS. HUCKE: It would be the highest, yeah.  
10 Anybody else? Has anybody else -- Juror 10.

11 JUROR NUMBER 10: I believe it's just on television  
12 and passing, which we said was kind of my understanding as  
13 well.

14 MS. HUCKE: Okay. Has anyone not really heard that  
15 before today or been familiar with it? So everyone kind of  
16 has an idea and has heard about it?

17 Are there any times that we will apply a high level  
18 of burden in our own lives? Can anybody think of an example?  
19 It's kind of hard to think about. Has anyone here ever jumped  
20 out of a plane? Is anyone brave enough to jump out of a  
21 plane? I know I'm not brave enough to do that. Has anyone  
22 here ever gone like bungee jumping?

23 Juror Number 25.

24 JUROR NUMBER 25: As a paramedic, we're required to  
25 do RAT training, or reach and treat, which is vertical rescue.

1 MS. HUCKE: So you've done that?

2 JUROR NUMBER 25: Yes.

3 MS. HUCKE: Oh, my word.

4 JUROR NUMBER 25: Hung off the side of a cliff.

5 MS. HUCKE: And do you think that could be a  
6 situation where when you're deciding if you're going to allow  
7 yourself to do that, pretty much all doubts that you're going  
8 to die are gone? I mean, can you tell me about that?

9 JUROR NUMBER 25: That first step is the hardest.  
10 And you just have to have no doubt that your belayers are  
11 going to catch you.

12 MS. HUCKE: What do you do to make sure that they  
13 will?

14 JUROR NUMBER 25: I make sure that I'm harnessed in  
15 correctly, that my belayers know exactly what they're doing,  
16 and they can hear me when I say "belay on."

17 MS. HUCKE: Uh-huh. So you've done a lot of  
18 background work to check into it and erase any doubts that you  
19 would have that it would be safe.

20 JUROR NUMBER 25: Right. I look at all the facts.

21 MS. HUCKE: You look at all the facts.

22 Okay. Anybody else been in that situation?

23 Juror 10.

24 JUROR NUMBER 10: Elitch's has a thing called XLR8R  
25 where they drag you up six stories and drop you. So you look



1 at everything really closely, especially when you're an  
2 engineer, and say, okay, how is this all working? It causes  
3 you to kind of evaluate it before you get dropped.

4 MS. HUCKE: Yeah. Definitely.

5 Anybody else done that or been in that situation?

6 And so Juror 49.

7 JUROR NUMBER 49: I actually, when I had my case for  
8 my house, thinking I actually did all of the legwork before I  
9 even had an attorney. So I got as much evidence as I could  
10 that I was right and they were wrong, even though I had to  
11 listen to their side. And, you know, so I agreed somewhat  
12 with them.

13 MS. HUCKE: Are there any other examples you can  
14 think of similar to jumping out of a plane or skydiving that  
15 you apply this level of proof for yourself in your life?

16 Has anyone ever had to make a really difficult  
17 medical decision for themselves or for a loved one?

18 Juror 49.

19 JUROR NUMBER 49: For my dad.

20 MS. HUCKE: For your dad.

21 JUROR NUMBER 49: Yeah. We were asked if we wanted  
22 him to keep on living on the respirator, and we decided not to  
23 after a while.

24 MS. HUCKE: Uh-huh. Which is an extremely difficult  
25 decision.

1 JUROR NUMBER 49: Yes. But it's better than him  
2 suffering.

3 MS. HUCKE: Uh-huh. And how did you come to that  
4 decision? What did you rely on?

5 JUROR NUMBER 49: He had been laying in the bed for  
6 just I think like three weeks on the respirator, and nothing  
7 was happening. In fact, some of his vitals were going down,  
8 so it was worsening.

9 MS. HUCKE: So did you discuss his conditions with  
10 his doctors?

11 JUROR NUMBER 49: With the doctors, with my family.

12 MS. HUCKE: And so you really carefully weighed all  
13 of the options --

14 JUROR NUMBER 49: Yeah.

15 MS. HUCKE: -- talked to professionals, and then made  
16 that decision at that point beyond any reasonable doubt that  
17 you would have that that was the right decision.

18 JUROR NUMBER 49: Yes.

19 MS. HUCKE: Thank you for sharing that.

20 Anyone else put in that position with a family  
21 member?

22 Juror 10.

23 JUROR NUMBER 10: A couple years ago, my mom had -- I  
24 don't know what it's called -- IDS or something like that, but  
25 the arteries to your internal organs and your stomach got

1 blocked, and so she was in the hospital. And they tried to do  
2 some angioplastic type of stuff to her shoulder or something  
3 and couldn't do it. So they went in, did the surgery, and  
4 came out and said that most of her bowels were dead. And they  
5 said that they could put her back together, but she basically  
6 would starve to death over the next month and may never come  
7 out of the coma. So it was a tough decision. My dad was  
8 starting to have some memory issues, so we talked through it.  
9 But we knew what she wanted and went ahead and told them not  
10 to put her back together.

11 MS. HUCKE: And that I'm sure was an extremely  
12 difficult decision. Thank you for sharing that.

13 Anyone else been in that position? Has anyone else  
14 been faced with like for themselves a decision they have to  
15 make medically? So I think that those are really great  
16 examples of how high a burden this is and some examples of how  
17 we apply it in our own lives, because the different levels of  
18 proof, actually one below is called clear and convincing, and  
19 there are proceedings where -- typically it happens in the  
20 State. The State can take someone's children away from them.  
21 And they only have to prove clear and convincing evidence,  
22 which is less than what the Government would have to prove  
23 here. Has anyone been in a situation or involved in any of  
24 those kind of custody proceedings or known anyone who's been  
25 involved in that with their children?

1 Juror 41.

2 JUROR NUMBER 41: When I worked at Life Steps Campus,  
3 some of our residents had an issue where they had the children  
4 taken away from them or they were living there with us in  
5 order to regain custody of their children. And I attended  
6 several hearings with residents and so forth.

7 MS. HUCKE: Were you involved in any of the -- so you  
8 attended some of the hearings?

9 JUROR NUMBER 41: Yes.

10 MS. HUCKE: And did you have any experience of the  
11 clear and convincing level of proof?

12 JUROR NUMBER 41: Yes. They -- and I also was a  
13 witness for the people who were getting -- trying to regain  
14 their children as to -- I was asked, you know, how they were  
15 coming along and their behaviors and, you know, if things had  
16 improved in their lives and that sort of thing.

17 MS. HUCKE: Okay. So you got to see kind of an  
18 example that the State still has to show a lot.

19 JUROR NUMBER 41: Right.

20 MS. HUCKE: It's not as high as like we said making a  
21 decision to take a family member off of life support.

22 JUROR NUMBER 41: Yes.

23 MS. HUCKE: Thank you for sharing that.

24 Does anyone here feel that if someone didn't do it,  
25 they would want to come here and tell you their side of the

1 story? I know a lot of times, you know, I've been involved --  
2 I have two children. They get in scraps with each other, and  
3 often -- both my husband and I try to get both sides of the  
4 story to try to figure out what happened. Does anybody have  
5 any experience with that?

6 Juror 1, I see you nodding your head.

7 JUROR NUMBER 1: Every day.

8 MS. HUCKE: Can you tell me about that.

9 THE COURT: I'm sorry. Can I get her a microphone?

10 JUROR NUMBER 1: Sorry.

11 THE COURT: That's all right.

12 JUROR NUMBER 1: On a personal level, two teenagers,  
13 and one being in college and the other at home, it -- and my  
14 job on a daily basis.

15 MS. HUCKE: So do you feel like if you had just one  
16 person coming with you, their side of the story, but you  
17 didn't hear the other side, would that be hard for you to  
18 figure out what you thought happened?

19 JUROR NUMBER 1: Oh, absolutely. No, I need to hear  
20 all the facts and both sides, or it might even be a trifecta  
21 before arriving at a decision.

22 MS. HUCKE: When you say it's a trifecta, what's  
23 that?

24 JUROR NUMBER 1: Well, you might have three people  
25 involved, so you got to get it all.

1 MS. HUCKE: So you said you will have a really hard  
2 time trying to figure out what you thought happened if you  
3 didn't hear both sides of the story?

4 JUROR NUMBER 1: Correct.

5 MS. HUCKE: Does anyone else agree with Juror  
6 Number 1?

7 Juror Number 9.

8 JUROR NUMBER 9: So I deal with it on a regular basis  
9 with middle school students because there's always some sort  
10 of middle school drama, is what we like to call it, going on.  
11 And a lot of times I'll have to pull kids out of class because  
12 they're being disruptive or having an argument with another  
13 classmate or something. And, you know, pull them even aside  
14 and see if they want to try to solve it on their own or do I  
15 need to take it down to the principal's office to further  
16 resolve it.

17 MS. HUCKE: So you feel like you really need to hear  
18 both sides to resolve it.

19 JUROR NUMBER 9: Oh, sure.

20 MS. HUCKE: Anybody else agree? I saw some other  
21 people agree.

22 THE COURT: Juror 49, go ahead, ma'am.

23 JUROR NUMBER 49: I have five boys. So, yes, we have  
24 to have both sides of the story because sometimes you don't  
25 get both sides of the story. So, yeah, you have to sometimes

1 figure it out on your own with what happened and what that one  
2 said and what that one said.

3 MS. HUCKE: And I think I saw a hand over here.  
4 Juror 52.

5 JUROR NUMBER 52: Yeah. Being a teacher, I think we  
6 get a lot of tattletaling or whatever or what happened on the  
7 playground. I usually like to hear both sides. Or even with  
8 my own children. It's hard to just hear he did this to me,  
9 and if they're silent, there's not a lot to go on. So usually  
10 you hear both sides, or you try to, or you hear whatever else  
11 happened on the playground from whoever else was around to  
12 make a decision.

13 MS. HUCKE: Okay. Anyone else? I miss anyone else  
14 with hands that agrees?

15 Is it Juror 22?

16 JUROR NUMBER 22: Yeah. Just beyond listening to the  
17 children, you know, which is obviously a conflict, but even in  
18 my business, the retail management business, and I've been in  
19 it a long, long time, you have conflicts with employees that  
20 you have to evaluate several different sides, you know, to see  
21 if there was an issue or what the issue may be. So  
22 interesting enough, you're always getting two sides of the  
23 story. But oftentimes you try to gather as much information  
24 as you can to make an evaluation what the situation is and how  
25 to resolve it. It also can be kids as well.

1 MS. HUCKE: Did I miss anyone else's hands?

2 THE COURT: And that was Juror Number 22, correct?

3 MS. HUCKE: 22.

4 Going back to Juror Number 1, you said when you're  
5 trying to figure it out, that it's really difficult for you to  
6 try to decide, I guess, who would be right when you only hear  
7 one side; is that correct?

8 JUROR NUMBER 1: Correct.

9 THE COURT: So do you feel that if you were asked to  
10 sit as a juror on this case and only got to hear one side of  
11 the story, that because you've dealt with that with your kids  
12 and that's hard for you to discern, would it be hard for you  
13 to not take that as a factor if you don't hear from the other  
14 side?

15 JUROR NUMBER 1: It would be hard not hearing another  
16 side.

17 MS. HUCKE: Because you would want to know what they  
18 have to say.

19 JUROR NUMBER 1: True.

20 MS. HUCKE: And would it be because -- would that be  
21 something that would be difficult to necessarily set aside; it  
22 would be nagging that I really wish I could hear from the  
23 other side?

24 JUROR NUMBER 1: Nagging, I don't know if that's the  
25 right word.



1 MS. HUCKE: Maybe I guess --

2 JUROR NUMBER 1: Troublesome.

3 MS. HUCKE: It would be troublesome. Maybe tell me  
4 about that.

5 JUROR NUMBER 1: Well, you're only hearing one side.  
6 I mean, I deal with employees every day. And if one's saying  
7 one thing and the other's not saying anything, out of fear,  
8 whatever, I don't know, I mean, it's difficult to discern or  
9 make a decision based off of one individual's opinion. To me  
10 it could potentially be subjective. I guess it depends on the  
11 facts.

12 MS. HUCKE: And do you feel that even if the judge  
13 was to say, I know that's troublesome for you, but you need to  
14 set it aside, would that still be difficult for you to do  
15 that?

16 JUROR NUMBER 1: Wow. You're really digging me.  
17 Probably a little bit difficult, yeah.

18 MS. HUCKE: Okay. So I guess in this case, if you  
19 weren't -- if you didn't hear the other side, do you feel like  
20 perhaps this wouldn't be the right case for you to be on the  
21 jury?

22 JUROR NUMBER 1: Probably so, because I always feel  
23 like something's been missing.

24 MS. HUCKE: So you do feel that you said probably so,  
25 you feel that something is missing. So this wouldn't be the

1 right case for you?

2 JUROR NUMBER 1: Probably not.

3 MS. HUCKE: Okay. And so because of that, it would  
4 be hard for you -- you wouldn't be able to be necessarily fair  
5 and impartial because you would really want to hear from the  
6 other side.

7 JUROR NUMBER 1: Correct.

8 MS. HUCKE: Thank you for sharing that.

9 Your Honor, I would move to strike Juror Number 1 for  
10 cause. I think she's made it clear that she does have this  
11 belief that she'd want to hear from the other side. So we'd  
12 ask that she be excused.

13 THE COURT: Well, let me verify. Juror Number 1, you  
14 said "probably not." And in this case, you'll be instructed  
15 that if the defendant doesn't testify, and, in fact, the  
16 defendant has no burden to produce any evidence. The burden's  
17 upon the United States. If that's the case, can you follow  
18 that instruction and decide this case based upon only the  
19 evidence presented and not decide it based upon what you think  
20 or what might be said by someone else? In other words, the  
21 fact that the defendant does not testify can't be used against  
22 him or her?

23 JUROR NUMBER 1: Oh, right.

24 THE COURT: Could you follow that law and --

25 JUROR NUMBER 1: Yes.

1 THE COURT: -- decide this case accordingly?

2 JUROR NUMBER 1: I can follow that law. Yes.

3 THE COURT: All right. Well, I'll overrule the  
4 objection -- or the -- I'll overrule the challenge for cause.

5 MS. HUCKE: And, Juror Number 1, I really appreciate  
6 you answering those. I don't want you to feel -- I know you  
7 feel like you're in the hot seat.

8 JUROR NUMBER 1: It's okay. I'm always there.

9 MS. HUCKE: Does anyone agree that in a situation  
10 where you didn't hear from the other side, it would be really  
11 hard for you to set that belief aside that you'd want to hear  
12 from the other side?

13 I know, Juror Number 9, you said you deal with this  
14 often and you want to hear both sides.

15 JUROR NUMBER 9: Yes.

16 MS. HUCKE: Do you feel like it would be difficult  
17 for you to not hear the other side in this case?

18 JUROR NUMBER 9: I think it would be difficult, but  
19 there are times where the other student isn't going to say  
20 anything and you really have to go based on what you're --  
21 what's laid out in front of you and make a decision based on A  
22 and not A and B.

23 MS. HUCKE: Okay. Do you feel like it would be in  
24 the back of your mind, well, if they're not telling me their  
25 side, then they must be the guilty party?

1 JUROR NUMBER 9: No. I -- a few years ago I probably  
2 would say that, yes, but sometimes they just don't want to say  
3 anything. And you can't say, oh, they're guilty because they  
4 don't want to talk about it.

5 MS. HUCKE: Okay.

6 JUROR NUMBER 9: Because some people just don't want  
7 to or aren't going to.

8 MS. HUCKE: Thank you. Juror 49, I know you had said  
9 earlier that it would be difficult for you as well to not hear  
10 both sides of the story.

11 JUROR NUMBER 49: Right. The only reason is you have  
12 to go -- one person's going to tell you -- say, for instance,  
13 my sons. Two of them are fighting. The third one was over  
14 there. He seen what happened, but he don't want to say  
15 nothing. So you have to go by the facts, and you have to  
16 think about it before you're going to say, well, you're in  
17 trouble. You did it.

18 MS. HUCKE: Do you feel like the person who didn't  
19 speak up didn't speak up because they had something to hide?

20 JUROR NUMBER 49: No, no.

21 MS. HUCKE: Okay. Juror 52, I know you previously  
22 said in your job you deal with this as well. Would it be  
23 difficult for you to come to a decision without hearing the  
24 other side?

25 JUROR NUMBER 52: No, I don't think so. You go with

1 what facts are there. Just because someone doesn't talk, I  
2 don't think it's because they're necessarily hiding something.  
3 There's many reasons. So I think it's human nature to want to  
4 hear everything and to know everything, but I think that it is  
5 very possible to take what's laid out there and come to a  
6 conclusion based off of the facts that you have.

7 MS. HUCKE: Thank you.

8 Does anybody disagree? I think juror 52 said it's  
9 kind of human nature to want to hear both sides. Does anybody  
10 disagree? And, Juror Number 31, I see you nodding your head.

11 JUROR NUMBER 31: You know, there's two sides to  
12 every story. You can't just believe one person. I deal with  
13 it with my 13-year-old niece all the time. Oh, so-and-so did  
14 this to me. So-and-so did that. You know, you got to hear  
15 both sides because if it's only going to be one-sided, you  
16 know, we ain't going to have -- you know, going to find the  
17 person guilty. So it's better to hear both sides and then  
18 base your facts off that.

19 MS. HUCKE: Okay. So you would feel like you would  
20 find a person guilty if you didn't get to hear their side of  
21 the story?

22 JUROR NUMBER 31: Well, if you hear both sides, and  
23 then you can go to a verdict and then just make your decision  
24 from that.

25 MS. HUCKE: Do you feel like you would really need to

1 hear both sides?

2 JUROR NUMBER 31: Oh, yeah. Oh, definitely.

3 MS. HUCKE: Okay.

4 JUROR NUMBER 31: It can't be one-sided.

5 MS. HUCKE: So if you only heard one side, and even  
6 if the judge told you you have to set that belief aside, would  
7 that be difficult for you to do?

8 JUROR NUMBER 31: I'd prefer to hear both sides  
9 instead of just one side.

10 MS. HUCKE: So you said "I'd prefer."

11 JUROR NUMBER 31: Yeah.

12 MS. HUCKE: Would it be something that would be  
13 difficult for you to come to a decision if you didn't? Would  
14 you be able to come to a decision if you only heard one side?

15 JUROR NUMBER 31: Probably. And I'd probably find  
16 the person guilty.

17 MS. HUCKE: Okay. And so because of that, because  
18 you'd feel so strongly, you would want to hear both sides --

19 JUROR NUMBER 31: Exactly.

20 MS. HUCKE: Do you feel that even if the judge asked  
21 you to set that aside that you wouldn't be able to do that?

22 JUROR NUMBER 31: Probably not, because I'd prefer to  
23 hear both sides because, you know, a person's innocent until  
24 proven guilty. And if you could hear both sides and then you  
25 could just determine your facts from there.

1 MS. HUCKE: Okay. So you said probably not.

2 JUROR NUMBER 31: Yeah.

3 MS. HUCKE: So it sounds like this is a really  
4 strongly -- like you want to hear from both sides.

5 JUROR NUMBER 31: Yes, I to.

6 MS. HUCKE: And if you didn't, you would not be able  
7 to come up with a fair and impartial decision.

8 JUROR NUMBER 31: That's it exactly.

9 MS. HUCKE: Okay. Thank you.

10 Your Honor, I would move to strike Juror 31 for  
11 cause. I do believe that he has thoroughly stated his belief,  
12 and it would be difficult -- he would be unable to come to --  
13 be a fair and impartial juror for this case.

14 THE COURT: Well, and the focus that I have in Juror  
15 Number 31 is a defendant in our system of justice is not  
16 required to say or testify or present any evidence. And in  
17 this case if the defendant did not testify and/or did not  
18 present any evidence, would you hold that against him and not  
19 be able to assess just the facts and evidence presented to you  
20 and render a verdict based upon that?

21 JUROR NUMBER 31: That's a kind of a tough question  
22 right now.

23 THE COURT: Well, do you have doubts as to your  
24 ability to do that?

25 JUROR NUMBER 31: Not really, no. I mean, if it's

1 going to be one side, you know.

2 THE COURT: Well, and there's going to be  
3 cross-examination. There's going to be direct examinations.  
4 There will be witnesses that testify, and they'll be examined  
5 by both sides. But the defendant may not testify, and the  
6 defendant may choose not to call any witnesses. And under our  
7 system, the fact that that defendant doesn't testify or  
8 doesn't call any witnesses can't be used against him. Can you  
9 follow that law and not decide this case with -- at the back  
10 of your mind thinking, well, because the defendant didn't  
11 testify, he or she's guilty?

12 JUROR NUMBER 31: Yeah, I probably -- I would be able  
13 to, you know, follow that law.

14 THE COURT: Do you have any doubts as to your ability  
15 to follow that law?

16 JUROR NUMBER 31: In a way, yes, I do have a doubt  
17 because unless you hear both -- that, you know, like I said,  
18 my opinion, you got to hear both sides.

19 THE COURT: All right.

20 JUROR NUMBER 31: Because I don't want to prove  
21 somebody's guilty when they're innocent.

22 THE COURT: Fair enough. Based on that circumstance  
23 and given the limitations, I will excuse Juror Number 31 for  
24 cause. Juror Number 31, if you'd go ahead and have a seat  
25 over here on the north side of the room.



1           Let's go ahead and call a replacement for Juror  
2       Number 31.

3           THE COURTROOM DEPUTY: Juror Number 35.

4           THE COURT: Juror Number 35, if I could have you take  
5       Juror Number 31's spot.

6           And, ma'am, let me ask you a couple of questions  
7       first before we resume. You've heard all the questions  
8       previously. Are there any of those questions to which you  
9       would respond?

10          JUROR NUMBER 35: Yes, there are.

11          THE COURT: And I think that microphone may be off.

12          JUROR NUMBER 35: Is it off? Thank you. First of  
13       all, my husband was raised on the Wind River Reservation. He  
14       is an enrolled Shoshone. I've spent time up there, lots of  
15       it, and I've never had a bad experience. I have a  
16       brother-in-law who lives on the reservation.

17          THE COURT: All right. Anything about that that  
18       would cause you concern about being fair and impartial to both  
19       parties in this matter?

20          JUROR NUMBER 35: Not at all.

21          THE COURT: Any other questions that you might be --  
22       or that you would respond to?

23          JUROR NUMBER 35: Yes. I have an adult son who was  
24       convicted of some drug charges about six years ago,  
25       conspiracy, conspiracy to deliver, I think.

1 THE COURT: Was that in federal or state court?

2 JUROR NUMBER 35: It was I think circuit. I'm trying  
3 to think of the name of the judge. It's a woman. And it  
4 wasn't in this courthouse. I think it would have been local.

5 THE COURT: All right. And where would local be for  
6 you?

7 JUROR NUMBER 35: It would be in the other  
8 courthouse.

9 THE COURT: Are you from Casper?

10 JUROR NUMBER 35: Yes.

11 THE COURT: Okay. And let me ask you, what's your  
12 educational background?

13 JUROR NUMBER 35: I have a bachelor's degree in  
14 sociology.

15 THE COURT: Your occupation?

16 Sorry, Ms. Huckle.

17 JUROR NUMBER 35: I'm retired. My husband's retired.

18 THE COURT: And what are you retired from?

19 JUROR NUMBER 35: I was a State of Wyoming employee  
20 in the department of employment for 30 years.

21 THE COURT: All right. And did you -- did you do  
22 workers' compensation or --

23 JUROR NUMBER 35: No. I worked well when I started a  
24 long time ago. It was Job Service, and now it's Workforce  
25 Services. But I worked in the Rock Springs local office, and

1 I placed people in jobs, helped employers find employees. And  
2 for a number of years, I worked in job training programs with  
3 the disadvantaged.

4 THE COURT: And your husband, what was the nature of  
5 his work?

6 JUROR NUMBER 35: He was an ironworker.

7 THE COURT: Okay. And in terms of any other  
8 questions, have you ever served on a jury?

9 JUROR NUMBER 35: No.

10 THE COURT: Ever been part of the jury selection  
11 process?

12 JUROR NUMBER 35: Not the process. A few years ago  
13 for I think circuit or county court, I was in the pool, but I  
14 never was -- well, I was never in the pool whenever I would  
15 call in. The case had been pled out, so that's as far as I  
16 ever got.

17 THE COURT: And you've heard the other questions.  
18 Anything else that comes to mind?

19 JUROR NUMBER 35: No. I think that's it.

20 THE COURT: If you think of anything else, don't  
21 hesitate. Let me ask you the last question before I'll allow  
22 counsel to follow up. Anything about what you've heard so far  
23 that would cause you any concerns if you were seated at either  
24 of these tables if you were selected as a juror to be fair and  
25 impartial?

1 JUROR NUMBER 35: No. Nothing.

2 THE COURT: All right. Thank you, ma'am.

3 Mr. Conder, any follow-up questions for this jury?

4 MR. CONDER: For this juror, none, Your Honor.

5 THE COURT: Thank you.

6 Ms. Huckle, I'll let you resume.

7 MS. HUCKE: Thank you.

8 I did notice, Juror 15, when you were previously  
9 having a conversation about wanting to hear both sides of the  
10 story, I really saw you nodding.

11 JUROR NUMBER 15: I was mulling that over and trying  
12 to come to that conclusion that it's not about where the  
13 evidence comes from. It's just as much as you can get is the  
14 most important part.

15 MS. HUCKE: Okay. And kind of before mulling that  
16 over, did you feel like you were someone who really wants to  
17 hear both sides of the story?

18 JUROR NUMBER 15: It's preferable, but, ultimately,  
19 it's just amount of information more important than source.

20 MS. HUCKE: Okay. Thank you.

21 Anybody else agree with that? And there's one thing  
22 I forgot to do because I was so nervous when I got up here is  
23 introduce myself and everyone else on our team. My name is  
24 Tracy Huckle, and I am an Assistant Federal Public Defender.  
25 Seated next to me is my client, Arapaho Oldman. Next to him

1 is my colleague, Galia Amram. She's also an Assistant Federal  
2 Public Defender. Next I have Loana Dominguez, who is our  
3 investigator; and Jessica Nyffler, who is our litigation  
4 support specialist. We are here for the State of Wyoming  
5 [sic]. Our office is out of Cheyenne. So I apologize that I  
6 forgot to introduce all of us.

7 Does anyone here know any of us? Have you ever met  
8 any of us? Do you have any experiences good or bad?

9 Okay. Has anyone ever met anyone else in the -- do  
10 you know anybody else in the jury panel today?

11 Let's start with Juror 15.

12 JUROR NUMBER 15: I do know -- what's your number?

13 THE COURT: Juror Number 3.

14 JUROR NUMBER 15: I do know Juror Number 3.

15 MS. HUCKE: And I saw Juror Number 3 raising his hand  
16 as well. How do you know each other?

17 JUROR NUMBER 15: We do attend church together.

18 MS. HUCKE: Okay. Thank you.

19 Anyone else?

20 Juror Number 48.

21 We want to wait until you get the mic.

22 JUROR NUMBER 48: Yes, I know Juror 43 and 37.

23 MS. HUCKE: How do you know them?

24 JUROR NUMBER 48: Fred and I have been friends for  
25 about 40 years. And Chris I met through kids. So I've known

1 her for about ten, ten or so years.

2 MS. HUCKE: Okay. And I forgot to ask, Juror 15 and  
3 3, is there anything about your relationships that you think  
4 it would be hard for you to serve on a jury with the people  
5 that you know?

6 I'm sorry. Back to Juror 48.

7 JUROR NUMBER 48: No, there's not.

8 MS. HUCKE: Okay. Juror 15 and -- is there anything?

9 JUROR NUMBER 15: Huh-uh.

10 THE COURT: And that was a no from Juror Number 3.  
11 Thank you.

12 MS. HUCKE: Juror Number 10, I saw you raise your  
13 hand.

14 JUROR NUMBER 10: The juror fourth from the left in  
15 the front row.

16 MS. HUCKE: And how do you know her?

17 JUROR NUMBER 10: We're from the same town, and I  
18 have some business relationships in the past. And nothing  
19 about that relationship would impact my ability to be  
20 impartial.

21 MS. HUCKE: Okay. Thank you. Juror Number 4, do you  
22 agree?

23 JUROR NUMBER 4: I do.

24 MS. HUCKE: Anyone else? Did I miss any other hands?

25 THE COURTROOM DEPUTY: One minute, Counsel.

1 MS. HUCKE: Okay. What do you feel would be worse,  
2 to convict an innocent man or let a guilty person go free?  
3 Anybody have any thoughts on that?

4 Juror 33.

5 JUROR NUMBER 33: Convict an innocent man.

6 MS. HUCKE: You think it would be worse to convict an  
7 innocent man?

8 JUROR NUMBER 33: Yes, I do.

9 MS. HUCKE: And I see some nodding. Do other people  
10 agree with that? Does anybody disagree with that?

11 Juror 25?

12 JUROR NUMBER 25: I think it's six of one, half dozen  
13 of another. It's just as bad to let the guilty person go as  
14 it is to convict an innocent person.

15 MS. HUCKE: Okay. So you actually feel like both  
16 situations are just as bad.

17 JUROR NUMBER 25: (Nodding head.)

18 MS. HUCKE: I see some nodding. Does anybody agree?

19 Juror 22.

20 JUROR NUMBER 22: I think both would be a tragedy. I  
21 think equal justice under the law. So I think both would be a  
22 tragedy.

23 MS. HUCKE: Okay. Thank you.

24 THE COURTROOM DEPUTY: Counsel, time.

25 MS. HUCKE: Can I just have a moment, Your Honor?

1 THE COURT: Yes, you may. And if there were any  
2 other responsive or indications as to response to your  
3 question, I'll allow follow-up to that.

4 MS. HUCKE: I just wanted to make sure I didn't miss  
5 any hands with the last question.

6 Okay. Well, thank you all so much. I really  
7 appreciate all of your answers today.

8 THE COURT: Counsel for the United States, do you  
9 pass this panel, including the replacement for Juror  
10 Number 31, for cause?

11 MR. CONDER: Yes, Your Honor. The United States  
12 would pass.

13 THE COURT: Ms. Huckle?

14 MS. HUCKE: Yes, we do as well, Your Honor.

15 THE COURT: Ladies and gentlemen of the jury panel,  
16 I'll ask now that counsel exercise their peremptory  
17 challenges. While they do that, you're free to talk amongst  
18 yourselves and one another about anything, the wind, the  
19 Broncos, Clemson, Alabama, anything other than this case. And  
20 we're going to take a period of time. And the lawyers are  
21 going to confer and take care of some things. We'll be back  
22 to you at the conclusion of that.

23 Please don't leave. If you need to go to the  
24 restroom, you can do so, but please come right back, if you  
25 would, please, and right back to where you are. We'll go



1 ahead and exercise the peremptories. Thank you.

2 (Pause in the proceedings.)

3 THE COURT: Counsel, sidebar.

4 (At sidebar.)

5 THE COURT: Okay. Based upon the challenges for  
6 cause -- oh, I'm sorry -- the challenges as to peremptory, I  
7 have selected as jurors in this matter Juror Number 2, Juror  
8 Number 4, Juror Number 58, Juror Number 9, Juror Number 52,  
9 Juror Number 35 -- let me double-check because I'm off one.  
10 No. Juror 35, Juror Number 42, Juror Number 14, Juror  
11 Number 21, Juror Number 40, Juror Number 22, and Juror  
12 Number 30.

13 MS. AMRAM: What happened to Juror Number 15? Did we  
14 get --

15 THE COURT: One minute. I think.

16 MS. HUCKE: Yeah, he should be in there.

17 MS. AMRAM: I don't think anyone struck him.

18 THE COURT: I'm sorry. I read the three as a five at  
19 one point. That's what happened.

20 Okay. So back up. Juror Number 8 will be Juror 14.  
21 Juror Number 15 will be Juror Number 9. Juror Number 21 will  
22 be Juror Number 10. Juror Number 40 will be Juror Number 11.  
23 Juror Number 22 will be Juror Number 12. The alternate will  
24 be Juror Number 33. Agree?

25 MS. AMRAM: Yes.

1 THE COURT: Mr. Conder, do you agree?

2 MR. CONDER: Yes, Your Honor.

3 THE COURT: And defense agrees?

4 MS. AMRAM: Yes.

5 THE COURT: So what we'll do is I'll go ahead and get  
6 them seated. We'll read to them the preliminary instructions,  
7 and then -- well, I'll excuse the nonselected with the thanks  
8 of the Court and the parties and then read to the ladies and  
9 gentlemen of the jury after they're sworn in the preliminary  
10 instructions. We'll take an hour and a half recess and come  
11 back with opening statements.

12 Time length for opening statement?

13 MR. CONDER: I think I should get done in 30 minutes.

14 THE COURT: 30 minutes. Good.

15 MS. HUCKE: Yes.

16 THE COURT: So you'll each have 30 minutes. We'll  
17 have the clock going. But in the interim, I need to swear in  
18 the coroner. He missed his swearing in, I guess. So I will  
19 not do that obviously in front of the ladies and gentlemen of  
20 the jury. But after we take care of things and we recess,  
21 I'll swear in the coroner.

22 MS. AMRAM: And do you know how many witnesses you'll  
23 call today? So we can bring up our stuff.

24 MR. CONDER: I guess I don't know. So that would --

25 MS. HUCKE: Do you have your order list?

1 MR. CONDER: So an hour and a half -- probably won't  
2 get back here until --

3 THE COURT: We'll come back around 3:00, 3:15.

4 MR. CONDER: I'd imagine we'd only get three  
5 witnesses, maybe four. So Mr. Dodge; Ms. Moss; Alise Trosper;  
6 and Mark Stratmoen, the coroner who missed his swearing in.

7 MS. AMRAM: Got it. Thank you.

8 (End of sidebar.)

9 THE COURT: All right. Thank you, ladies and  
10 gentlemen. Could I have the following jurors come forward and  
11 take the soft seats. First, Juror Number -- Juror Number 2,  
12 Juror Number 4, Juror Number 58, and Juror Number 9.

13 And then in the next row -- go ahead and arrange  
14 them, Ms. Toner. In the next row, Juror Numbers 52, 35, and  
15 42. And then the next row, if I could have Jurors Number 14,  
16 15, 21. And then in the next row, if I could have Jurors  
17 Number 40 and 22. And then I would take from the back row  
18 Juror Number 33.

19 And I would ask at this time, counsel for the United  
20 States, does the United States agree that the ladies and  
21 gentlemen seated in the jury box are, in fact, the ladies and  
22 gentlemen that have been selected to serve as jurors in this  
23 matter?

24 MR. CONDER: Yes, Your Honor.

25 THE COURT: Does defense so agree?

1 MS. AMRAM: Yes, Your Honor.

2 THE COURT: We'll be right back with you ladies and  
3 gentlemen.

4 Ladies and gentlemen of the jury panel, without your  
5 presence here today, our system of justice doesn't work. I  
6 have to have sufficient jurors in the event that there's  
7 challenges and/or problems in selection that require them to  
8 be replaced. I had more than I needed today, fortunately, but  
9 I didn't want to go to the post office. We have the greatest  
10 system of justice in the world. It is the greatest system of  
11 justice because you citizens sit in judgment upon other  
12 citizens, not kings, not governments, but citizens. Without  
13 your presence, without your service, our system would cease to  
14 exist.

15 I thank you for being here today. I thank you for  
16 being good citizens. And I wish you safe travels back, and we  
17 will see you another time. If I could ask you to stop by and  
18 hand your lanyards to the clerk's office on your way out.  
19 Thank you very much.

20 At this time, I would ask the Clerk of Court to  
21 administer the oath to the ladies and gentlemen of the jury  
22 (Oath administered.)

23 THE COURT: Thank you, ladies and gentlemen.

24 Here's what we're going to do. I'm going to read to  
25 you some preliminary instructions so you'll have those in mind

1 when you come back. We're going to take an hour and a half  
2 recess, and we'll come back at 3:00. And you'll hear -- we're  
3 doing that so that the lawyers can finalize their preparations  
4 for opening statements and get everything coordinated. And  
5 you can contact anyone that you need to to alert them as to  
6 your being selected to serve.

7           One thing I don't want to forget is if any of your  
8 employers have any questions about your service as a juror,  
9 have them call me. I won't have any problem talking to them  
10 because you're entitled to serve without any type of  
11 consequence. So I want to make sure you understand that so  
12 you can focus on the issues.

13           When you come back, we're going to hear the opening  
14 statements of counsel. The schedule that we'll plan on using  
15 is that we'll probably go until 5:00, 5:30 in the evening. We  
16 may push a little bit further or be a little shorter depending  
17 on where we are in the evidence or a witness that's on the  
18 stand to get them off the stand overnight. We'll start at  
19 8:30 in the morning, and we'll take a midmorning recess or a  
20 recess when you need one. If you need one, just raise your  
21 hand, and we'll take that recess so that you're not  
22 uncomfortable and you're able to focus on the evidence. We'll  
23 then come back and present evidence until around noon. I  
24 don't think I have any other hearings scheduled, so I think  
25 we're good. So we'll probably take an hour for lunch and come

1 back.

2 If I do have any hearings that I have to handle,  
3 we'll go into the lunch hour a little bit, and I'll excuse  
4 you. We'll come back early -- or I'll come back early and  
5 deal with those matters, and you'll come back an hour later or  
6 thereabouts. We'll take an afternoon recess, unless otherwise  
7 needed, and then we'll go until around 5:00 or 5:30 or  
8 thereabouts. So that's the schedule we'll try to maintain.

9 If there's any questions or issues you have, please  
10 let Ms. Toner know. But that's the plan. And she'll also  
11 give you a little orientation as to the jury room after we  
12 finish these preliminary instructions.

13 We'll turn at this time to the preliminary  
14 instructions, and ladies and gentlemen, you can follow along  
15 on the screen in front of you.

16 A couple caveats. First, counsel, may I get your  
17 agreement as to the waiver of any need to separately report  
18 the reading of these instructions by the court reporter,  
19 Mr. Conder?

20 MR. CONDER: Your Honor, the United States would  
21 waive that.

22 THE COURT: And Ms. Amram?

23 MS. AMRAM: I agree.

24 THE COURT: All right. To the extent anything that I  
25 say is contrary to the written word, unless I instruct

1 otherwise, the written word will control.

2           You also will have a copy of these instructions with  
3 everything that is instructed to you when you go back for any  
4 deliberation, so you need not memorize them. I just want to  
5 give you some information to begin with.

6           (Jury instructions read but not reported.)

7           THE COURT: We'll take our first recess at this time.  
8 And I want to instruct you that until this trial is over, you  
9 are not to discuss this case with anyone, including other  
10 jurors members or your family, people involved in the trial,  
11 or anyone else. You may not permit others to discuss the case  
12 with you. If anyone approaches you and tries to talk to you  
13 about the case, please let me know about it immediately.

14           Do not read or listen to any news reports of the  
15 trial. If a newspaper headline or news broadcast catches your  
16 attention, do not examine the article or watch or listen to  
17 the broadcast any further. The person who wrote or is  
18 reporting the story may not have listened to all the  
19 testimony, may be getting information from persons whom you  
20 will not see here in court under oath and subject to  
21 cross-examination. The report may emphasize an unimportant  
22 point or may simply be wrong. You must base your verdict  
23 solely and exclusively on the evidence received in court  
24 during the trial.

25           Finally, you are reminded to keep an open mind until

1 all the evidence has been received and you have heard the  
2 arguments of counsel, the instructions of the Court, and the  
3 views of your fellow jurors.

4 If you need to speak to me -- speak with me about  
5 anything, simply give a signed note to Ms. Toner or the  
6 bailiff. At this time, we'll take our lunch recess, and we'll  
7 come back at 3:06 -- 3:05. We'll round it. At 3:05. And  
8 then we'll have opening statements at that time.

9 Please rise.

10 (The jury exited the courtroom at 1:36 p.m.)

11 (The following took place outside the presence of the  
12 jury.)

13 THE COURT: All right. Go ahead and have a seat for  
14 a moment. Anything we need to take up before we come back for  
15 opening statements, Mr. Conder?

16 MR. CONDER: Not at this moment, Your Honor, no.

17 THE COURT: Ms. Amram?

18 MS. AMRAM: No, Your Honor. We're going to confer  
19 about the witness list for the marshals, and then we'll try to  
20 have that back for you when -- at 3:00.

21 THE COURT: All right. As long as there's plenty of  
22 time. I believe they're all in Natrona County; is that  
23 correct?

24 MS. AMRAM: This is for witnesses who haven't -- they  
25 weren't able to serve, and we were trying to limit it to see



1 if they could try again.

2 THE COURT: Fair enough. We'll then come back.  
3 You'll each be allocated 30 minutes for opening statement, and  
4 we'll set the clock so you can have that. Please be mindful  
5 of that. If you hesitate and need five more minutes, now is  
6 the time to ask, not then.

7 So any doubts, Mr. Conder?

8 MR. CONDER: Heck, if you're going to give me an  
9 extra five, I won't take it, but I'll take it to be safe.

10 THE COURT: I'll give each side 35 minutes for  
11 opening statements, and we'll come back. And we'll stand in  
12 recess until then.

13 (At 1:38 p.m., recess was taken until 3:09 p.m.)

14 (The following took place outside the presence of  
15 the jury.)

16 THE COURT: Thank you. Before we be seated, let me ask,  
17 are there any preliminary matters or issues we need to  
18 address?

19 MR. CONDER: The United States has an issue, Your  
20 Honor.

21 THE COURT: All right. Go ahead and be seated.

22 MR. CONDER: Your Honor, this morning, as the  
23 Government was, along with the Court, picking a jury, a victim  
24 witness coordinator, Vicki Powell, learned from Dr. Jackie  
25 Nelson at the Lander -- she works for IHS, Indian Health

1 Services, that one of the United States' witnesses, Ms. Fatima  
2 Addison, she is in the hospital. She was admitted sometime  
3 this weekend. She has a life-threatening blood infection.  
4 Ms. Addison has diabetes. She recently had her right foot  
5 amputated, and I think she's been struggling with that for  
6 some time.

7 The United States Attorney's Office just recently  
8 spoke to Dr. Nelson, and Dr. Nelson stated the following:  
9 That this blood infection is life-threatening. Can't make it  
10 go any faster. The earliest she could be released would be  
11 Wednesday, but that's probably a pipe dream. Most likely an  
12 optimistic release date would be Thursday.

13 However, even when she's released, she will need an  
14 IV catheter placed in her. She will need that for four to six  
15 weeks, and that will require antibiotics three times a day.  
16 According to the doctor, she's lucid. She's not doped up.  
17 She understands and comprehends things. And she's currently  
18 at the Lander Valley hospital in Fremont County, Wyoming.

19 Your Honor, I recognize this is a unique and odd  
20 circumstance. But Ms. Addison was anticipated to testify for  
21 the Government sometime tomorrow afternoon. Likely that would  
22 be a little delayed because of our current schedule, but it  
23 looks like there's no way she can make it here in time.

24 Therefore, the United States would move under Rule 15  
25 of the Rules of Criminal Procedure to continue trial

1 essentially before oral arguments, allow the parties to travel  
2 to Lander, do a deposition of Ms. Addison. The defendant by  
3 rule would be entitled to be there. It would be transcribed.  
4 Essentially it would have all the trappings of a civil  
5 deposition, and then we could come back and start trial.

6 Under Rule 15(a)(1), Your Honor, it states the Court  
7 may grant the motion because of exceptional circumstances and  
8 in the interests of justice. There's a whole bunch of other  
9 provisions. It talks about the defendant being there unless  
10 he waives it.

11 But at this time, Your Honor, based on these unique  
12 circumstances, the United States feels that it has little else  
13 to do but seek a continuance and try to obtain a deposition  
14 and come back and get to trial as soon as possible.

15 THE COURT: All right.

16 MR. CONDER: And, Your Honor, just so the Court  
17 knows, I also have a team of attorneys down at the U.S.  
18 Attorney's Office looking into this. One of the other options  
19 possibly would be video testimony, video, live feed video.  
20 However, as this Court's well aware, there's a Sixth Amendment  
21 issue component to that. There is a *Craig* case -- I believe  
22 it's out of the Supreme Court -- and it talks about that it's  
23 permissible mostly in child cases or other cases, but when  
24 it's in the interests of public policy.

25 Your Honor, I must admit I have not had time to

1 thoroughly research that just because of the time crunch and  
2 the late hour which this information was provided. So that's  
3 the position of the United States, Your Honor. I apologize.

4 THE COURT: All right. Thank you.

5 Ms. Amram.

6 MS. AMRAM: Your Honor, we are objecting to this.  
7 Candidly, we just heard about this from Mr. Conder. I've  
8 never dealt with a Rule 15 request before. I'm not familiar  
9 with it, so we will need to research it if the Court is  
10 considering it. And I can do a more thorough objection once I  
11 know what the law is about it. But I did factually want to  
12 inform the Court about a few things.

13 Fatima, I don't -- I don't think that she would meet  
14 the criteria for the exceptional circumstances for a Rule 15  
15 deposition for a number of reasons. The Government has  
16 witnesses who duplicate almost everything that she would  
17 testify about. She would say from her most -- her latest 302,  
18 one thing she would be able to give the Government is that  
19 both -- she would testify that both Whiteplume and Arapaho  
20 Oldman were there that night; that she -- earlier in the  
21 evening; that she basically hung out with them in the evening  
22 before everybody went to the basement. I will inform the  
23 Court that we are not contesting that. We are not going to  
24 contest Arapaho Oldman was present on the evening before  
25 Thanksgiving. There are also multiple other witnesses the

1 Government has as to that fact, including Bernadette Brown and  
2 Matthew Whiteplume.

3 She would testify about this incident where she says  
4 that in the middle of the night, Matthew Whiteplume and  
5 Arapaho Oldman knocked on her door and asked for some mac and  
6 cheese and that Arapaho Oldman had blood on his shorts. The  
7 Government has Matthew Whiteplume to testify about that.

8 In addition, they have Bridget Oldman, who will  
9 testify that when she picked up Arapaho, that when she -- she  
10 dropped a bottle of alcohol off for him, also in the middle of  
11 the night that same night, and that when she did, he had blood  
12 on his knuckles. So it's not blood on his shorts, but I think  
13 it's similar enough that it wouldn't count as exceptional  
14 circumstances to have a deposition. She would also, I  
15 believe, testify to a statement that Arapaho Oldman allegedly  
16 said he did it because BoMatt couldn't, referring, I believe,  
17 to killing Dodge, is what the Government would argue.

18 But the Government now has multiple witnesses who  
19 they've noticed in recent weeks who are going to say -- make  
20 inculpatory statements about being involved in the murder of  
21 Charles Dodge, including Donna Oldman, Dionne Addison, Jessica  
22 Guffey, and then Bernadette Brown's testimony. So they  
23 don't -- she's not the only person who's going to say he made  
24 some sort of incriminating statement saying that he was  
25 involved. Also, Bridget Oldman would be another witness they

1 have about that.

2           The other thing to note as to why it would not  
3 justify exceptional circumstances, she also said -- she's not  
4 all good for the Government. She also said that Matthew  
5 Whiteplume said, "I'm a killer. I'm a killer." She also says  
6 that she was drinking heavily around this time. There's  
7 not -- and that there's a number of things she doesn't  
8 remember. She also does not recall ever seeing Bernadette  
9 Brown there, which is a big problem because Bernadette Brown  
10 is obviously one of the Government's key witnesses.

11           So I don't think she is a make-or-break witness for  
12 the Government such that the Court should find exceptional  
13 circumstances in this case in light of the other witnesses  
14 they have who say the same or similar things to what she would  
15 testify to. So we would object. We would ask that the trial  
16 not be continued. And, again, I don't have any law for the  
17 Court because I just found out about this a few minutes ago.

18           THE COURT: All right. Well, Mr. Conder, what is the  
19 critical nature of the testimony that the United States  
20 believes would require the testimony of Ms. Addison?

21           MR. CONDER: Your Honor, there are essentially three  
22 prongs. Ms. Amram articulated those. First, Ms. Addison  
23 would state that she is a neighbor to the house at 331 Great  
24 Plains Road; that on the evening -- the evening before  
25 Thanksgiving, Mr. Dodge and the defendant arrived in a white

1 truck. She will state that they sat outside and drank for a  
2 while, and then she left to a neighboring house to help get  
3 ready for Thanksgiving.

4 The second would be, Your Honor, is what was stated.  
5 During the early morning hours of Thanksgiving, Mr. Whiteplume  
6 and Mr. Oldman went over to the neighboring house. They asked  
7 Fatima Addison for some mac and cheese. She told them to go  
8 away, and defendant had blood on his shorts.

9 Third, Your Honor, and probably most important, is  
10 that after Mr. Dodge -- before Mr. Dodge's body had been found  
11 on November 30, Fatima Addison would testify that she was  
12 drinking with the defendant; that she was checking her phone,  
13 looking at Facebook, and on Facebook she noticed that  
14 Mr. Dodge was missing, because they'd been drinking with him a  
15 few days ago. She asked the defendant, "I wonder what  
16 happened to him?"

17 In response, the defendant said, "I did it because  
18 Mr. Whiteplume couldn't."

19 When asked, Fatima Addison would say that she took  
20 that to mean the defendant said, "I killed him because Matthew  
21 Whiteplume couldn't."

22 Those would be the essence of her testimony, Your  
23 Honor. It is accurate to say that she was intoxicated and she  
24 does have impeachment issues, but that would be the crux of  
25 it, Your Honor.

1           THE COURT: All right. Well, I've already impaneled  
2 the jury and provided an oath to them. I need to look at this  
3 issue. I need -- there are three potential solutions. One is  
4 tough luck. Medicine is medicine, and issues are the issues.  
5 If she can be here, fine. If she can't, you'll have to prove  
6 your case accordingly.

7           The other is -- another option is we arrange for you  
8 to take a deposition of her, and I work in time for you to do  
9 that. But I need to know more in terms of her condition, when  
10 the timing of that would be, et cetera.

11           The third is that we look at the ability to provide  
12 it by video testimony. I need to research that as well. I  
13 know that there's a Rule 43 presence requirement, but that  
14 deals with sentencing and generally with change of pleas. It  
15 has -- there have been exceptions recognized in criminal  
16 matters for witnesses by video. Child issues are one, but  
17 there are other exceptional issues. But I need to look at the  
18 criteria that would render things exceptional. I don't know  
19 if this does or doesn't constitute. But at this point in  
20 time, I want to go forward. I know what I'm going to do  
21 tonight. And we'll go forward accordingly and address it  
22 as -- tomorrow morning so we can determine if we take a recess  
23 for a period of time to allow you to travel up there.

24           The other issue is, is, frankly, seeing what the  
25 likelihood of having her transferred to Casper. That would



1 make it easier for you all in terms of any kind of a  
2 deposition or whatnot. But I'll consider the options, and  
3 we'll get back on it tomorrow morning on that. And we'll go  
4 forward at this point in time with opening statements.

5 Anything else we need to take up before we proceed  
6 then, Mr. Conder?

7 MR. CONDER: Nothing further, Your Honor. And I  
8 apologize for that.

9 THE COURT: No. It's not within your control.  
10 Ms. Amram?

11 MS. AMRAM: No, Your Honor.

12 THE COURT: 35 minutes will be allotted, and we'll  
13 bring in the ladies and gentlemen of the jury. Please rise.

14 (The jury entered the courtroom at 3:23 p.m.)

15 THE COURT: Thank you, ladies and gentlemen. Ladies  
16 and gentlemen of the jury, once you hit your seats, please go  
17 ahead and take them. We stand out of respect for the ladies  
18 and gentlemen of the jury. So once you're there, it's a  
19 little difficult to maneuver and whatnot. So please feel free  
20 to take your seat.

21 I apologize. I do know how to tell time. We had an  
22 issue that no one anticipated that we needed to address  
23 quickly. So we will get that time back to you at some point.

24 At this time I would recognize the parties for  
25 opening statement and I would recognize the United States.

1 Mr. Conder.

2 MR. CONDER: Thank you, Your Honor. May it please  
3 the Court.

4 THE COURT: Counsel.

5 MR. CONDER: Counsel.

6 Ladies and gentlemen of the jury, on the night of  
7 November 22, 2017, 36-year-old Charles Joseph Dodge, III, also  
8 known as Chucky, ate dinner and hung out with his family.  
9 Afterwards, he left the family home on foot in Arapahoe,  
10 Wyoming. He was headed towards Riverton. He said good-bye to  
11 him mom and dad for the last time. Mr. Dodge never returned  
12 home. Eight days later, on November 30, 2017, Mr. Dodge's  
13 dead and brutally beaten body was found hidden in a crawl  
14 space of a home located at 331 Great Plains Road on the Wind  
15 River Indian Reservation.

16 Mr. Dodge's body was discovered only when one of the  
17 home's occupants thought the smell became too much and had  
18 somebody call the police. Authorities discovered Mr. Dodge's  
19 face was disfigured beyond recognition. His throat was cut  
20 wide open, his body covered in bruises, cuts, and multiple  
21 broken bones.

22 The evidence will show you that the last time  
23 Mr. Dodge was seen alive, he was at 331 Great Plains Road, and  
24 he was with the defendant, Arapaho Oldman, and the  
25 co-defendant, Matthew Whiteplume.

1           It was late at night on November 22 when Mr. Dodge  
2 arrived at 331 Great Plains with the defendant. Initially,  
3 Mr. Dodge, the defendant, Matthew Whiteplume, and others  
4 stayed and drank outside. At some point Mr. Dodge, the  
5 defendant, Mr. Whiteplume, and others went into the basement  
6 and continued drinking. And that's when everything changed.

7           The defendant started to attack Mr. Dodge, and  
8 Whiteplume joined in. Whiteplume was punching, kicking,  
9 stomping. The defendant, punching with his fists, obtained a  
10 weapon, beating Mr. Dodge about the head and body with the  
11 weapon and later took a knife and cut his throat.

12           Mr. Dodge's dead body was left there on the floor,  
13 just left there. In the early morning hours of November 23,  
14 the defendant walked out of the house at 331 Great Plains  
15 Road, went to his friend who had brought him a bottle of  
16 alcohol, told his friend, I think I just beat the shit out of  
17 somebody, and had blood on his hands.

18           In the ensuing hours, the defendant desperately  
19 called his sister for a ride. A few hours later, his sister  
20 picked him up at 331 Great Plains Road. The defendant told  
21 his sister, I'm in trouble. I did it this time.

22           Ladies and gentlemen, there is no video of Mr. Dodge  
23 being beaten and killed. There is no *CSI* smoking gun. But  
24 there are witnesses. The witnesses will tell you what they  
25 saw, what they heard, and what they did. Are their stories

1 exactly the same? Of course not. Are these witnesses  
2 perfect? Absolutely not. Some of these witnesses have  
3 serious alcohol addiction issues. Their entire lives revolve  
4 around their next drink. Some of these witnesses have drug  
5 addiction issues. Some of these witnesses have criminal  
6 records. One of them is a co-defendant testifying pursuant to  
7 a plea agreement.

8           So listen carefully, ladies and gentlemen. Use your  
9 good judgment. And when you do, the evidence will show you  
10 the following: That 331 Great Plains Road is located on the  
11 Wind River Indian Reservation; that the house at 331 Great  
12 Plains has these stories, no garage. The front door faces  
13 Great Plains Road.

14           You walk up a wheelchair ramp. You go in the front  
15 door. Inside the front door, there's a little living room  
16 area here. Behind that, a kitchen. That's the back side. To  
17 the right when you walk in, stairwell goes upstairs, three  
18 bedrooms and a bathroom there. Just beyond the stairs that go  
19 up, stairs that go into the basement. And when you go into  
20 the basement, the evidence will show when you hit the bottom,  
21 you can basically see the whole basement. It's unfinished,  
22 concrete floor, no -- no Sheetrock on the walls, no paint  
23 really. Overhead joists, exposed electrical wires, plumbing.

24           To the left there's a furnace, washer and dryer over  
25 here, two windows facing the backyard. As you go around the

1 room, there's stuff. You'll see. There's stuff. Along the  
2 front, two more windows that face the front road. There's a  
3 freezer, a table. And in this back corner, there's a crawl  
4 space. That crawl space is a couple feet off the ground.  
5 You'll see pictures. It's a couple feet wide, maybe 18 inches  
6 to 2 feet wide -- tall, wide. Once you get in that crawl  
7 space, it's mainly a dirt floor with some concrete. It's  
8 uneven. There's a lot of debris in there, and it's about 4 to  
9 4 1/2 feet tall. You can't stand up.

10 331, the house in question, is primarily occupied by  
11 Edd and Loren Shakespeare. They are uncles to Matthew  
12 Whiteplume. They are friends to the defendant, Arapaho  
13 Oldman. At this house, at 331, people come and go. Drinking  
14 is not uncommon, people showing up, looking for a drink and a  
15 place to hang out. It's not uncommon.

16 Ladies and gentlemen, you'll also hear that  
17 Mr. Charles Joseph Dodge, III, Chucky, was 36 years old. He  
18 lived with his mother and father and other family members also  
19 in another house in Great Plains. You'll hear that on  
20 November 21 and 22 of last year -- two years ago, he raked  
21 leaves for a widow with his dad. They got paid each day.

22 When they got done with their work on the 22nd,  
23 Chucky and his dad went to Walmart, and Chucky bought some new  
24 gloves. After going to Walmart in Riverton, they went back to  
25 their house in Arapahoe at Great Plains housing. Chucky had

1 dinner with his family, hung out, stayed with them for a  
2 while, and then he decided to head out to Riverton to get some  
3 alcohol. It wasn't uncommon. He would walk towards town,  
4 maybe catch a ride, get some alcohol, and come back home.

5 When he left, Chucky was wearing jeans, boots, a  
6 black sweatshirt, maybe a coat. He had his wallet, some money  
7 from working, maybe some medications he had for a sore tooth.  
8 But he didn't take his phone with him.

9 But Chucky never returned. He never came home. And  
10 that was unlike him. You'll hear from his family, his father.  
11 It wasn't like him to not come home. The next day was  
12 Thanksgiving. He didn't show up, so his family started to  
13 worry. They called police, reported him as a missing person.  
14 They went to Facebook trying to find him.

15 On the same night, ladies and gentlemen, November 22,  
16 2017, the evidence will show that the defendant got a ride  
17 with Bridget Oldman and her son, WinterHawk at about 9:00 at  
18 night on the 22nd. The three of them went to the Big Wind  
19 Casino just outside of Riverton. At some point the defendant  
20 left. Later on that night, he arrived at 331 Great Plains  
21 with Mr. Chucky Dodge. As I said, Chucky, the defendant,  
22 Mr. Whiteplume, and others stayed outside and drank. At some  
23 point they went inside. They went down into the basement, and  
24 that's when everything changed.

25 You'll hear from Bernadette Brown. You will hear

1 that she uses methamphetamine; that she drinks alcohol; that  
2 she's a felon, a drunk driving felon. At some point -- but  
3 you'll hear from her that at some time around Thanksgiving  
4 2017, she was in the basement of 331 drinking with Chucky,  
5 Mr. Whiteplume, the defendant, and some others. She will tell  
6 you that the group was drinking vodka. While drinking vodka,  
7 they talked about we can't get anything tomorrow. The stores  
8 are closed. So Chucky took some vodka from the big community  
9 bottle and put it in an empty bottle he had, put it in his  
10 pocket to save it. The group continued to drink.

11 Eventually, the community bottle ran dry. At that  
12 time the defendant told Chucky, Give me a shot. Chucky  
13 refused. According to Bernadette, this enraged the defendant.  
14 He began to attack Chucky with his fists, beating on him. At  
15 one point Mr. Whiteplume joining and kicking him.

16 Then at some point the defendant obtained a metal  
17 object, and he began to beat Chucky Dodge until he was  
18 unresponsive. Bernadette Brown will tell you that Chucky was  
19 still alive; that people put him into the crawl space and then  
20 left. She was left down there alone with him. She kept  
21 checking on him, as he was struggling to breathe, but he was  
22 still alive. Eventually, she left, but Chucky was still  
23 alive.

24 She will tell you that in the ensuing weeks, she ran  
25 into Matthew Whiteplume. Matthew Whiteplume told her, We had

1 to slit that guy's throat.

2 From Matthew Whiteplume, you will hear that he was a  
3 co-defendant; that he's testifying pursuant to a plea  
4 agreement; and that he too drinks heavily and has alcohol  
5 issues. But he'll tell you that on the night before  
6 Thanksgiving 2017, Mr. Dodge and the defendant arrived  
7 together at 331. Chucky, the defendant, and others were  
8 drinking outside, and at some point they moved into the  
9 basement.

10 When they moved into the basement, Mr. Whiteplume  
11 went upstairs to get a hot toddy. He went to warm some water  
12 to help the alcohol as a chaser. When he came back  
13 downstairs, Mr. Whiteplume will tell you the defendant had  
14 Chucky Dodge, belt around his neck, punching him. The  
15 defendant looked at Mr. Whiteplume and said, This is the --  
16 one of the guys that beat you up. This is one of the guys  
17 that jumped you. Mr. Whiteplume jumped in, immediately  
18 started punching Mr. Dodge, started punching Chucky, asking  
19 him who did it? Who was with you?

20 You will hear from Whiteplume that at the time he  
21 believed it. He believed that Chucky was involved in some  
22 earlier assault on him, and he wanted to hurt him. He wanted  
23 to find out who had helped. A short time later, after  
24 punching him, Whiteplume began to kick and stomp on Chucky.  
25 While he was doing that, Whiteplume heard the defendant yell



1 out or say "equalizer." Whiteplume will tell you that that  
2 meant a weapon. You will hear from Mr. Whiteplume that the  
3 defendant continued to escalate the situation repeatedly  
4 saying something to the effect of this guy is going to die  
5 tonight. During this time, the defendant told Whiteplume, Go  
6 check the front door. Shut out the light. Whiteplume did it.  
7 The defendant said, Put up a rug or put up a blanket over the  
8 window facing the street. Whiteplume did it.

9           You will hear that Whiteplume continued during this  
10 time to punch and kick Chucky himself. But Whiteplume will  
11 tell you that at some point, the defendant took it too far.  
12 Chucky begged for it to stop. Whiteplume tried to get help  
13 from his uncles, Edd and Loren, but they refused.

14           It was during this time Whiteplume saw the defendant  
15 standing over Chucky, object in hand, beating him in the head  
16 and body until Chucky was unconscious. Whiteplume will tell  
17 you that at that time Chucky was still alive. Whiteplume drug  
18 Chucky from where he lay saying he's starting to come out of  
19 it, starting to regain consciousness, and helped him get into  
20 the crawl space. He put him in there, gave him a blanket.  
21 Whiteplume said he was hoping to protect him. The occupants  
22 in the basement then moved upstairs.

23           At some point Whiteplume heard a noise, a commotion  
24 from the basement. He went downstairs. He will tell you that  
25 when he got downstairs, Chucky was out of the crawl space.

1 The defendant had Chucky by the hair. The defendant turned to  
2 Whiteplume with a kitchen knife in his hand, the handle  
3 wrapped in a towel or a rag, handed it to Whiteplume, and  
4 said, Handle your business. Take care of your business.  
5 Whiteplume will tell you he couldn't do it. He couldn't bring  
6 himself to do it, and he told the defendant that.

7 When he told the defendant that, the defendant said,  
8 Turn away. Go upstairs. And the defendant pulled back  
9 Chucky's head with his hair in his hand and started cutting  
10 his throat. They left Chucky's dead body laying on the floor.

11 Eventually that morning Whiteplume and the defendant  
12 went their separate ways, but before they did, the defendant  
13 told Mr. Whiteplume, I'll take care of the body. Several days  
14 passed, according to Whiteplume. Chucky's body lay there just  
15 loosely covered with a tent, Whiteplume waking every morning  
16 wishing the body would be gone. Then on the weekend of  
17 November 25 and 26, Whiteplume enlisted the help of his sister  
18 and her sister's boyfriend. And his sister's Jori Lamebull,  
19 and her boyfriend is Monty Tabaho.

20 The three of them, with socks on their hands, lifted  
21 the body into the crawl space, dragging it in there. They  
22 then gathered up items from the basement that were covered in  
23 blood or anything they thought that they should get -- gather  
24 up and burn to ash, which they did.

25 Whiteplume will tell you that at some point later he

1 returned to the basement. It looked like somebody had tried  
2 to clean up, possibly with bleach. Whiteplume will tell you  
3 that at some time before the body was found, he and the  
4 defendant and one of their friends crawled into the crawl  
5 space to look at the body.

6 Ladies and gentlemen, you'll hear from more than just  
7 Bernadette Brown and Mr. Whiteplume. You'll hear from several  
8 others. You will hear from Bridget Oldman, and you will see  
9 on her phone she and her son picked up the defendant from a  
10 relative's house at about 9 p.m. on the 22nd. They went to  
11 the casino, and she will say -- tell you that the defendant  
12 left.

13 Then at around 4:00 in the morning, she got a text  
14 from the defendant saying, "Hey, I left a bottle in your car.  
15 Can I come get it?" At 4:30 Bridget and her other son showed  
16 up at 331 Great Plains. The defendant came out. He had a  
17 coat on, according to Bridget. It didn't quite seem to fit  
18 right. It was too short in the sleeve. The defendant came  
19 out, got his bottle of vodka, and said, I think I beat the  
20 shit out of someone. And Bridget noticed he had blood on his  
21 hands and wrists.

22 Ladies and gentlemen, you'll hear from Irene Jenkins,  
23 the defendant's sister. You will see her phone records that  
24 on the 23rd, Thanksgiving morning, between 5:27 a.m. and  
25 8:20 a.m., there were approximately 27 text messages, eight

1 phone calls, two voicemails. Irene will tell you that during  
2 the early morning of Thanksgiving, the defendant, Mr. Arapaho  
3 Oldman, tried to contact her. She tried to ignore him for a  
4 while, but she couldn't. When she finally talked to him -- or  
5 texted him back, she said that the defendant told her he was  
6 in trouble, to come pick him up. So she did. At about 8:20  
7 on Thanksgiving morning, she picked up the defendant, took him  
8 to another relative's house. During that time the defendant  
9 stated he was in trouble; he did it this time.

10           You'll hear from Donna Oldman and see phone records.  
11 Donna is the defendant's ex-wife. Her records show that on  
12 Saturday, November 25th, 2017, at 2:00 a.m., the defendant  
13 texted her. And then at 3:00 a.m., he called her. The  
14 defendant asked Donna, said, "I'm in trouble. I need help."  
15 When Donna said, "What?" he said, "The worst a person could  
16 do." That's what he told her he was in trouble for.

17           You will hear from Loren Shakespeare. He's one of  
18 the occupants at 331. He will tell you that on November 29,  
19 he came out of his house. He saw the defendant and his  
20 girlfriend, Jessica Guffey. Loren told the defendant, "Hey,  
21 you're no longer welcome in our house when no one else is  
22 here." The defendant's response was, "Is that because of the  
23 dead body?"

24           You will hear from Jessica Guffey, the defendant's  
25 girlfriend. She'll tell you that on the night before

1 Thanksgiving, the 22nd, she was with the defendant. They  
2 argued. She went her separate way. She spent Thanksgiving  
3 and the weekend with her family, not to see the defendant  
4 again until the 28th. She said on the 28th she'll tell you  
5 her and the defendant hung out, watched movies.

6 The next morning, the 29th, they went to Great Plains  
7 Hall, got a Christmas loan. And then they walked to a nearby  
8 Great Plains housing. They walked to Fatima Addison's house.  
9 Fatima wasn't home. So they walked next door to 331. On the  
10 walk over, the defendant told Jessica, "I'm a killer, babe.  
11 I'm a killer."

12 They walk into the house at 331 Great Plains. The  
13 defendant goes downstairs. Jessica stays upstairs. The  
14 defendant repeatedly tells her, "Come downstairs. Come  
15 downstairs." Finally, Jessica goes downstairs. She gets to  
16 the base of the steps, and she sees the defendant standing  
17 over by the crawl space. The defendant lifts open the door,  
18 spits inside, and says, "You stink."

19 Ladies and gentlemen, you will hear that Chucky's  
20 body stayed in the house and crawl space until the evening of  
21 November 30 when Loren Shakespeare told a neighbor, Alice  
22 Moss, that there was a body in his house -- may be a body in  
23 his house and it was starting to stink. So Alice called the  
24 police.

25 When the authorities arrived, they found Chucky's

1 body hidden in the crawl space. Chuck's body was laying  
2 facedown, his head away from the crawl space. His pants, long  
3 johns, underwear pulled down. He was exposed. His T-shirt  
4 pulled up under his armpits, A white powder covering his  
5 entire back. That powder was later determined to be flour,  
6 you'll hear. He was also covered with a carpet, a tarp, and a  
7 clear piece of plastic. That's where he lay.

8           There was a small pool of blood in the crawl space.  
9 In the basement, when the authorities arrive, they noticed the  
10 basement was covered in food, clothing, trash, debris. There  
11 were blood -- apparent blood spots on the walls, on various  
12 objects, on the floor.

13           Ladies and gentlemen, you'll hear from Mark  
14 Stratmoen, the Fremont County coroner. From him you'll hear  
15 that Mr. Dodge had multiple massive blunt force injuries to  
16 his head and sharp force injuries to his neck. Mr. Dodge had  
17 no wallet on him. He had nothing to identify him, and he was  
18 beaten so badly about the head and face the coroner could not  
19 identify him without his dental record.

20           The coroner will tell you that based upon the small  
21 amount of blood in the crawl space, it's his opinion that he  
22 was not killed there. The coroner will further tell you that  
23 based upon pooling patterns of blood, known as lividity on  
24 Mr. Dodge's body, that it's likely Mr. Dodge was killed  
25 somewhere else and after he died later moved into the crawl

1 space.

2 From Dr. Burson, a forensic pathologist, you will  
3 hear the cause of Mr. Dodge's death was a combination of blunt  
4 force injuries to the head, sharp force injuries to the neck  
5 completely cutting through the soft tissue and trachea.  
6 Dr. Burson will tell you that either one of these injuries  
7 standing alone, injuries to the head or injuries to the neck,  
8 would have killed Mr. Dodge.

9 Dr. Burson will also tell you about several nonfatal  
10 injuries. Numerous wounds, including blunt force, sharp force  
11 injuries to the head, neck, torso, arms, and legs. That  
12 includes a broken arm, a broken leg, and 11 broken ribs.

13 Ladies and gentlemen, there is no video of Mr. Dodge  
14 being beaten and killed. But the evidence will show you that  
15 Mr. Dodge's blood is on the defendant's hands. Mr. Dodge  
16 arrived at 331 Great Plains Road with the defendant. He was  
17 last seen alive in the basement of 331 with the defendant and  
18 Mr. Whiteplume. Mr. Dodge was being kicked and stomped by  
19 Mr. Whiteplume. He was being punched, hit with a weapon and  
20 his throat cut by the defendant.

21 While Chucky's family was looking for him, his  
22 brutally beaten body lay there in the basement of 331. The  
23 defendant, during this time, told his ex-wife he was in  
24 trouble, did the worst a person could do. While Chucky's  
25 family's looking for him, the defendant had his girlfriend

1 come downstairs. He lifted up the crawl space door, spit  
2 inside, and said, "You stink."

3 On the morning of November 23, the defendant walked  
4 out of 331 Great Plains, got his bottle of alcohol, and he had  
5 blood on his hands.

6 Ladies and gentlemen, once you have heard all the  
7 evidence, the evidence will show you by proof beyond a  
8 reasonable doubt that the defendant, Arapaho James Oldman,  
9 killed Charles Joseph Dodge, III; that he did so with  
10 premeditated malice aforethought; and that he did so by  
11 hitting Mr. Dodge with a weapon, cutting his throat. Ladies  
12 and gentlemen, once you have heard the evidence, I will ask  
13 you to find the defendant guilty of first degree murder and  
14 aiding and abetting.

15 Thank you.

16 THE COURT: Thank you, Mr. Conder.

17 Ms. Huckle.

18 MS. HUCKE: May it please the Court.

19 THE COURT: Counsel.

20 MS. HUCKE: Counsel.

21 Mr. Dodge was brutally murdered, and you're going to  
22 see that. And the Government wants to know what happened to  
23 him. The Government has a duty to find out what happened to  
24 him, to bring those responsible to justice. They want justice  
25 for him and his family. We all do.



1           Soon after the murder, a woman named Bernadette Brown  
2 came forward to the FBI and said that she was there that night  
3 and that Arapaho Oldman did it. The FBI tirelessly tried to  
4 prove her right. They interviewed countless witnesses. They  
5 subpoenaed Mr. Oldman's phone records. They executed search  
6 warrants. They collected over 70 items that they sent to the  
7 FBI crime lab in Quantico to test for DNA, trace evidence,  
8 fingerprints, shoe prints. When all this investigation came  
9 back, it didn't point to Arapaho Oldman as the killer.

10           Now, don't get me wrong. Mr. Oldman was there that  
11 night, and he participated in a fight that happened earlier in  
12 the evening. But he did not kill Mr. Dodge. The killer, the  
13 man who beat Mr. Dodge to death and slit his throat, is  
14 Matthew Whiteplume.

15           It was Whiteplume's DNA that was found on Mr. Dodge's  
16 collar right near where his throat was slit, not Arapaho's.  
17 It was Whiteplume, not Arapaho, who told Bernadette Brown that  
18 Mr. Dodge's throat should be slit. It was Whiteplume, not  
19 Arapaho, who brutally kicked and punched Mr. Dodge's dead  
20 body. And it was Whiteplume, not Arapaho, who told his friend  
21 Monty Tabaho that he should cut off Mr. Dodge's penis and  
22 shove it in his mouth, not Arapaho.

23           He also ordered Mr. Tabaho to cut off Mr. Dodge's  
24 head, and Mr. Tabaho did the best that he could to comply  
25 because he was afraid of Whiteplume. He was afraid that

1 Whiteplume would kill him just like he had killed Mr. Dodge.  
2 And when all of that happened, Arapaho Oldman wasn't even  
3 there. It was Whiteplume, not Arapaho, who held a knife to  
4 his sister's throat two days after it happened and afterwards  
5 ordered her to help him clean up and put the body in the crawl  
6 space. Arapaho wasn't there.

7 After all of these witnesses finally came forward.  
8 The Government charged Matthew Whiteplume also with aiding and  
9 abetting first degree murder. But they -- they were so  
10 fixated on the original person that they thought did it, they  
11 couldn't let go of that, and they continued with their charges  
12 against Mr. Oldman.

13 Mr. Whiteplume saw this opportunity. He knew that if  
14 he went in there and he lied and he said that Arapaho slit  
15 Mr. Dodge's throat, that he could get a cooperation deal. And  
16 you know what? He did just that. On Friday in this  
17 courtroom, he came in and he pled guilty to aiding and  
18 abetting second degree murder, and he's agreed to testify in  
19 exchange for hopes of a lighter sentence.

20 Now, this man, this man who indisputably beat and  
21 kicked Mr. Dodge's dead body, who ordered a terrified friend  
22 to cut off his head, who said he wanted to remove Mr. Dodge's  
23 penis and put it in his mouth, he is the one who is the only  
24 person that's going to come in here and tell you that Arapaho  
25 Oldman was the one who slit his throat. No one else can tell

1 you they were there that night.

2 And even though he's going to tell you this, this is  
3 contradicted by DNA evidence. His DNA is on Dodge's -- the  
4 collar of his shirt.

5 The other Government witness who's coming, Bernadette  
6 Brown, the woman who initially came forward and told the FBI  
7 she was there that night, she will tell you that she didn't  
8 see who slit Dodge's throat; that she left before it even  
9 happened; and that when she left, Mr. Dodge was alive. She'll  
10 also admit that she's lied repeatedly to the FBI to cover for  
11 those that she cares for. She lied about Monty Tabaho. She  
12 lied about a woman named Jessica Guffey. And she's now lying  
13 about Matthew Whiteplume so she can protect him.

14 At first she told the FBI that only Arapaho did it.  
15 Then later she had to admit that Whiteplume was there also.  
16 And she's close with Whiteplume. She'll tell you that she  
17 wanted an insurance settlement, and she decided to buy a car,  
18 a Monte Carlo, and that she considered putting her car under  
19 Whiteplume's name. So we will show you that they know each  
20 other and she's close with him.

21 You'll also learn that Bernadette and Monty and  
22 Whiteplume, they have talked about this murder after it  
23 happened. They talked over Facebook Messenger, possibly calls  
24 and texts. They continued to talk to each other once Matthew  
25 Whiteplume was in jail by using go-betweens so they could

1 avoid the recorded jail phone calls.

2 But despite all of this communication, the Government  
3 has still remained fixated on Arapaho Oldman, so they never  
4 even looked into the Facebook record. They don't even have  
5 those Facebook records between those people to even validate  
6 or rule out if they were communicating with each other or not.

7 Now, I'm not going to tell you that Arapaho Oldman  
8 was an angel that night. He was there. He participated in a  
9 fight that happened earlier in the evening. But he did not  
10 kill Mr. Dodge. He didn't slit his throat. He didn't want  
11 Mr. Dodge to die. He didn't want to kill him. And,  
12 therefore, at the close of this case, we ask that you find  
13 Mr. Arapaho Oldman not guilty.

14 THE COURT: Thank you, Ms. Hucke.

15 Let us at this time turn to the evidence in this  
16 matter, and the United States may call its first witness.

17 MR. CONDER: Thank you, Your Honor. The United  
18 States would call Mr. Charles Dodge, II.

19 THE COURT: Mr. Charles Dodge, II will come forward  
20 and be sworn.

21 (The witness was sworn.)

22 THE COURTROOM DEPUTY: Please state and spell your  
23 name for the record.

24 THE WITNESS: Charles Dodge, Junior. C-H-A-R-L-E-S  
25 D-O-D-G-E, J-R.

1 THE COURTROOM DEPUTY: Please state your city of  
2 residence and your occupation.

3 THE WITNESS: I live at Number 35 Great Plains Loop  
4 in Arapahoe, Wyoming, and I'm retired.

5 THE COURTROOM DEPUTY: Thank you.

6 CHARLES DODGE, JR., GOVERNMENT'S WITNESS

7 DIRECT EXAMINATION

8 BY MR. CONDER:

9 Q. Good afternoon, Mr. Dodge.

10 A. Good afternoon.

11 Q. Mr. Dodge, you said you lived at Great Plains Loop. Is  
12 that in Great Plains housing?

13 A. Yes, it is.

14 Q. And is that on the Wind River Indian Reservation?

15 A. Yes.

16 Q. And who lives there with you at that house?

17 A. My wife and my daughter and her husband.

18 Q. And do you have a new guest in your house?

19 A. Yes. They've had a child.

20 Q. A new grandbaby?

21 A. Yeah.

22 Q. How many children do you have, Mr. Dodge?

23 A. I have -- well, three now. I had four, but one is  
24 deceased.

25 Q. And who are your children, Mr. Dodge?

1 A. My oldest son is Justin. Then there was Charles, but he's  
2 not there no more. And Gabriel, and Rosa is my daughter.

3 Q. And your son Charles, is he Charles Joseph Dodge, III?

4 A. Yes.

5 Q. And did he have a nickname that he went by that people  
6 called him?

7 A. They used to call him Chucky.

8 Q. And you said Chucky is no longer with us; is that correct?

9 A. No.

10 Q. And how old was he when he died?

11 A. I believe he was 36.

12 Q. Mr. Dodge, are you a tribal member?

13 A. Yes, I am.

14 Q. And what tribe are -- what tribe?

15 A. Northern Arapaho.

16 Q. And how about your wife?

17 A. She's enrolled in the Northern Arapaho tribe.

18 Q. So Chucky, was he enrolled as well?

19 A. Yes, he was.

20 Q. Mr. Dodge, I'm going to direct your attention to the  
21 screen in front of you. It's marked as Government's Exhibit  
22 1-1. It should be the screen right below -- there.

23 THE COURT: And this exhibit hasn't been admitted; is  
24 that correct?

25 MR. CONDER: That is correct, Your Honor.

1 THE COURT: It's being shown just to the witness and  
2 to counsel.

3 Q. (BY MR. CONDER) And, Mr. Dodge, just bear with us. There  
4 might be a technical difficulty. It should be on your screen  
5 momentarily.

6 THE COURTROOM DEPUTY: I'll try again.

7 (Discussion off the record.)

8 Q. (BY MR. CONDER) Mr. Dodge, while they're trying to do  
9 that, if you wouldn't mind, would you tell the ladies and  
10 gentlemen of the jury a little bit about your son, Chucky.  
11 Go ahead?

12 A. Well, my son, he used to work as a horse breaker or ranch  
13 hand most of his life, and he didn't hardly go out but mostly  
14 working hard, staying home, helping me around the house.

15 Q. Mr. Dodge, did Chucky have any children?

16 A. Yes. He has a daughter.

17 Q. And how old is she?

18 A. She would be about 17 now.

19 THE COURT: All right. Let's go ahead and restart  
20 the system. We're going to have to restart the system. For  
21 some reason technology is not working. Ms. Dawson, if you want  
22 to try to --

23 MS. DAWSON: For some reason my screen is not --

24 THE COURTROOM DEPUTY: You have power. Try to push  
25 again.

1 MS. DAWSON: Usually I can see a --

2 THE COURTROOM DEPUTY: Is the blue light on?

3 MS. DAWSON: Uh-huh.

4 THE COURTROOM DEPUTY: Try disconnecting your HDMI  
5 and reconnect.

6 THE COURT: All right. Let's go to the ELMO. Turn  
7 it back on and turn it off.

8 THE COURTROOM DEPUTY: There.

9 THE COURT: Ladies and gentlemen, I don't want to  
10 have you sitting in here waiting for us to try to -- I want to  
11 see if we can get this. If we can't get it, we'll have to go  
12 to paper, the old-fashioned way. But let me go ahead and have  
13 you at this time take a brief recess, and we'll be back in  
14 five minutes.

15 Please rise.

16 (The jury exited the courtroom at 4:03 p.m.)

17 (The following took place outside the presence of the  
18 jury.)

19 THE COURT: Go ahead and have a seat and we'll see if  
20 we can get this thing to work.

21 (At sidebar.)

22 THE COURT: Everything works, and all of a sudden it  
23 doesn't. I'm going to have Ms. Bowline go visit with the  
24 juror that needs the assistive listening device so she doesn't  
25 have to take everything off all the time. We need to make



1 sure she doesn't have it with her, so we don't want her  
2 inadvertently hearing anything. Any concerns having  
3 Ms. Bowline show her how to do that, Mr. Conder?

4 MR. CONDER: No.

5 THE COURT: Ms. Amram?

6 MS. AMRAM: No.

7 THE COURT: We'll go ahead and do that and get this  
8 restarted.

9 (At 4:06 p.m., a recess was taken until 4:13 p.m.)

10 (The following took place outside the presence of the  
11 jury.)

12 THE COURT: Thank you. I note the presence of  
13 counsel and the defendant. Ladies and gentlemen of the jury  
14 are absent.

15 Let's verify it works.

16 MS. DAWSON: Was that right?

17 THE COURTROOM DEPUTY: Yeah, I saw it.

18 THE COURT: All right. Okay. Let's go ahead and  
19 bring in the ladies and gentlemen of the jury.

20 (The jury entered the courtroom at 4:14 p.m.)

21 THE COURT: Thank you. Please be seated.

22 The bad news, ladies and gentlemen, is that I owe you  
23 another five minutes of time. The good news is that we got  
24 the electronics working. So we can go forward at this time.

25 Mr. Conder.

1 MR. CONDER: Thank you, Your Honor.

2 Q. (BY MR. CONDER) Mr. Dodge, we were talking just a minute  
3 ago about your son Chucky. On the screen in front of you, I'd  
4 direct your attention to what is marked as Government's  
5 Exhibit 1-1. Is -- do you recognize what that is?

6 A. Yes, I do.

7 Q. And what is that?

8 A. It's a picture of my son.

9 Q. And so that's a picture of your son Chucky?

10 A. Yes.

11 MR. CONDER: Your Honor, at this time the United  
12 States would move to admit Government's Exhibit 1-1.

13 THE COURT: Any objection?

14 MS. HUCKE: No, Your Honor.

15 THE COURT: Are your monitors working?

16 (Jurors nodding heads.)

17 THE COURT: Exhibit 1-1 will be admitted.

18 (Government's Exhibit 1-1 received.)

19 MR. CONDER: Your Honor, the United States would  
20 request that it be published.

21 THE COURT: It may be published to the ladies and  
22 gentlemen of the jury and to me.

23 THE COURTROOM DEPUTY: I don't have it either.

24 Q. (BY MR. CONDER) Mr. Dodge, when we were talking about --  
25 you mentioned about some of the occupations your son Chucky

1 had. If you could again tell the jury what he did.

2 A. He was a horse breaker and a ranch hand most of his life,  
3 but during the summer he would fight fire when the -- when  
4 they had the firefighting crews at Fort Washakie.

5 Q. Thank you, Mr. Dodge. Mr. Dodge, I would now again, to  
6 the screen in front of you, direct your attention to what's  
7 marked as Government's Exhibit 1-2.

8 THE COURT: Exhibit 1-2 is being displayed only to  
9 the witness and ladies and gentlemen -- to counsel, not to the  
10 ladies and gentlemen of the jury.

11 Q. (BY MR. CONDER) Mr. Dodge, in looking at that, are you  
12 familiar with what that is or can you tell what that is?

13 A. It's a calendar.

14 MR. CONDER: Your Honor, at this time the United  
15 States would move to admit Government's Exhibit 1-2, which is  
16 a calendar of November of 2017, indicating the 23rd is  
17 Thanksgiving.

18 THE COURT: Any objections?

19 MS. HUCKE: No, Your Honor.

20 THE COURT: Exhibit 1-2 will be admitted and may be  
21 published.

22 (Government's Exhibit 1-2 received.)

23 Q. (BY MR. CONDER) Mr. Dodge, if you could, do you recall  
24 the week of Thanksgiving of 2017?

25 A. Yes, I do.

1 Q. And if you could, walk through with the members of the  
2 jury, what did you and your son do that week? What did you  
3 do?

4 A. Well, we had a job about three days before Thanksgiving.  
5 We were trying to make money for the Thanksgiving dinner.

6 Q. And what were you guys doing? What was the job?

7 A. It was mostly just yard work and cleaning up corrals and  
8 stuff like that.

9 Q. And who were you doing that for?

10 A. We were working for the O'Neill ranch, and that's Gail  
11 O'Neill.

12 Q. And how long have you known Mrs. O'Neill?

13 A. About 20 years or so.

14 Q. And how often does she call you for work?

15 A. Off and on during the summer. She has, like, branding in  
16 the fall, separating. But in the summer she would have her --  
17 need her irrigation pipes laid out and in the fall picked up,  
18 so she would call when she needed them.

19 Q. And is there anyone -- does -- is Mrs. O'Neill married or  
20 is she a widow, or do you know?

21 A. I believe she's widowed.

22 Q. So if you could, look at the day before Thanksgiving,  
23 Wednesday the 22nd. Do you recall what you and Chucky did  
24 that day? Did you work for Mrs. O'Neill that day?

25 A. No. We worked on the 21st, and then she said to come back

1 the next day to work again if we wanted to, the day before  
2 Thanksgiving.

3 Q. So the day before Thanksgiving you and Chucky went out and  
4 worked for Mrs. O'Neill again?

5 A. He -- he left that night, and he never came back.

6 Q. Gotcha. So if you could, so when you worked for  
7 Mrs. O'Neill on the 22nd, what did you do when you got done  
8 working? Did you go anywhere? Did you go to the store?

9 A. Yeah. We went to town and we bought some groceries, and  
10 he got himself another pair of gloves.

11 Q. He got some new gloves?

12 A. Yeah, because he wanted to work the next day.

13 Q. And so when you got the gloves and you went home, what did  
14 you do the night before Thanksgiving? What was going on in  
15 your house?

16 A. Nothing really. We were all at the house, and Chucky said  
17 that he was going to take a walk, and he left. And that's the  
18 last time I seen him.

19 Q. And was that uncommon, for Chucky to take a walk? Do you  
20 know where he was walking to?

21 A. No. He used to walk around and visit people, and  
22 sometimes he would walk to town.

23 Q. And when you say "walk to town," what town would he walk  
24 to?

25 A. He would go to Riverton.

1 Q. And what would he do in Riverton? Why would he walk to  
2 Riverton?

3 A. Well, he used to go in and, like, buy himself a drink and  
4 then come home.

5 Q. So it wasn't uncommon for him to walk to Riverton and buy  
6 some alcohol and come back?

7 A. Well, he didn't do that very often, but, yeah, he would --  
8 he would walk if he felt like it, I guess.

9 Q. And do you recall what he was wearing when he left that  
10 last -- on the 22nd?

11 A. I believe he had on a black sweater and a black cap and  
12 black jeans, and I believe he had his new gloves on.

13 Q. Did he -- did Chucky have a wallet? Did he usually keep a  
14 wallet with him?

15 A. Yes, he did.

16 Q. And what kind of wallet did he have?

17 A. He had a tooled-leather wallet. It was black.

18 Q. And do you know if he had any money still after working  
19 for Mrs. O'Neill and after the stop to get gloves?

20 A. He probably did because we worked -- I think it was a  
21 ten-hour day, and she pays \$10 an hour. So I imagine he still  
22 had some money.

23 Q. And do you know if he had his phone with him when he left?

24 A. No. No, he didn't.

25 Q. He didn't take it?

1 A. No.

2 Q. Did he have anything else with him? Did he have any  
3 medications or anything like that?

4 A. Well, he had a toothache that he was supposed to go to  
5 Jackson that weekend, that Friday, to have it extracted. And  
6 he had pain meds for that.

7 Q. So when he left on the 22nd, was it dark out?

8 A. Yes, it was.

9 Q. Did he ever come back?

10 A. No.

11 Q. Did you and your family become worried?

12 A. Yes. But I thought that he would be back, so we waited a  
13 while, and he never showed up. So we went and reported him to  
14 the Fort Washakie as missing, the Fort Washakie police  
15 department. And later on that day I went to the Riverton  
16 Police Department and reported him as missing.

17 Q. So you went to the police out at Fort Washakie and then  
18 the Riverton police to report him missing?

19 A. Yes.

20 Q. Did you or your family do anything else to try and find  
21 him? Did you use the Internet or Facebook or --

22 A. No, we didn't.

23 Q. You --

24 A. Later on, after I reported him missing, the K2 News come  
25 out to my house, and they talked to me that morning. And then

1 in the evening someone called in and told the police that  
2 there was a body of someone.

3 Q. And do you remember when that was?

4 A. Let's see. I'm not really sure. I believe it might have  
5 been around the 30th, 31st, somewhere around there.

6 Q. Around the 30th?

7 A. Yeah, somewhere around there.

8 Q. So what did you hear? What call did you get?

9 A. No one called. That house where -- where he was murdered  
10 is just the right next housing to where we live. And we seen  
11 all the lights and everything that was going on over there and  
12 kind of figured that might have been him.

13 Q. Did the police tell you that night if they had found  
14 Chucky? What did they tell you?

15 A. Well, we went over there to where they were, and they said  
16 they found a body. But they wouldn't tell -- give us no  
17 information until -- I don't know. I think it might have been  
18 two or three days after. That's when they confirmed for sure  
19 that was his body.

20 Q. So two or three days later they told you?

21 A. Yeah.

22 MR. CONDER: May I have a moment, Your Honor?

23 THE COURT: You may.

24 Q. (BY MR. CONDER) Mr. Dodge, I just want to go back and  
25 confirm. So the night of Wednesday, the 22nd, that's when



1 Chucky walked off and never came home?

2 A. Yes.

3 Q. And he wasn't there for Thanksgiving dinner?

4 A. No. No, he wasn't.

5 MR. CONDER: No further questions, Your Honor.

6 THE COURT: All right. Thank you.

7 Cross-exam.

8 MS. HUCKE: No questions, Your Honor.

9 THE COURT: All right. Mr. Dodge, you may step down.  
10 Is this witness released from any subpoena?

11 MR. CONDER: Yes, Your Honor.

12 THE COURT: All right. Any need to keep him under  
13 subpoena, Ms. Amram?

14 MS. AMRAM: No, Your Honor.

15 THE COURT: You're free to go, sir.

16 THE WITNESS: Thank you.

17 THE COURT: United States may call its next witness.

18 MR. CONDER: Your Honor, the United States would next  
19 call Ms. Alice Moss.

20 THE COURT: Ms. Moss will come forward and be sworn.

21 (The witness was sworn.)

22 THE COURTROOM DEPUTY: Please state and spell your  
23 name for the record.

24 THE WITNESS: My name is Alice Moss, A-L-I-C-E  
25 M-O-S-S.

1 THE COURTROOM DEPUTY: Please state your occupation  
2 and your city of residence.

3 THE WITNESS: I'm retired. I'm retired, and I'm a  
4 housewife. I don't --

5 THE COURTROOM DEPUTY: And where do you live?

6 THE WITNESS: I live at 20 Great Plains Road,  
7 Arapahoe, Wyoming.

8 THE COURTROOM DEPUTY: Thank you, ma'am.

9 ALICE MOSS, GOVERNMENT'S WITNESS

10 DIRECT EXAMINATION

11 BY MR. CONDER:

12 Q. Good afternoon, Ms. Moss.

13 A. Good afternoon.

14 Q. Ms. Moss, you said you live on Great Plains --

15 A. Yes.

16 Q. -- Road?

17 Is that in the Great Plains housing?

18 A. Yes.

19 Q. And is that on the Wind River Indian Reservation?

20 A. Yes, it is.

21 Q. How long have you lived in Great Plains?

22 A. 51 years.

23 Q. In the same house?

24 A. Yes.

25 Q. Who do you live there with?

1 A. My husband. We had -- we have five kids, but they're all  
2 gone now. They have their own homes.

3 Q. And so have you lived in the Great Plains housing as long  
4 as there's been Great Plains housing?

5 A. Yes.

6 Q. If you could, describe to the grand jury, what is Great  
7 Plains housing? What is it?

8 A. It's a housing area. There used to be ten houses there,  
9 and now there's just two that are occupied. The others were  
10 torn down. The other people that lived there are gone, passed  
11 away.

12 Q. So is it -- is it just like a neighborhood?

13 A. Yeah.

14 Q. And --

15 A. There's another part to it now and more houses to the left  
16 of my house. I don't even know who lives there.

17 Q. But over the course -- over the years they built more  
18 houses --

19 A. Yes.

20 Q. -- and more houses?

21 A. Yes.

22 Q. Are there any kind of government or Indian Health  
23 buildings near the Great Plains housing?

24 A. Indian Health?

25 Q. Like Great Plains Hall?

1 A. Yes. There's a clinic there. There's a voc rehab.

2 There's an emerging school for Arapaho language. Great Plains  
3 Hall, where people gather for dinners and stuff. There's Head  
4 Start programs and I think Indian Child Welfare.

5 Q. And is that all kind of within walking distance of --

6 A. Yes.

7 Q. -- each other the Great Plains housing and all those  
8 buildings?

9 A. Yes, it is.

10 Q. Are you familiar with the house located at 331 Great  
11 Plains Road?

12 A. Yes.

13 Q. And do you know whose house that is?

14 A. My sister and her husband lived there. And they're both  
15 deceased, so their sons live there now.

16 Q. And who is your sister?

17 A. Laura Shakespeare.

18 Q. And who are her sons?

19 A. Loren and Edd Shakespeare.

20 Q. So would they be your nephews?

21 A. Yes.

22 Q. And how long have Loren and Edd lived in that house with  
23 their parents and without their parents?

24 A. I think their mother passed away four years ago. I don't  
25 remember about their dad. It's been a while.

1 Q. And how long have the Shakespeares lived in that house?

2 A. I would say about 40 years.

3 Q. Do you keep in touch with Loren and Edd?

4 A. With Loren I do, but Edd kind of keeps to himself.

5 Q. Do you know if anyone else lives at 331?

6 A. No, I don't.

7 Q. Do other people stay or go there?

8 A. Yes. I've heard that.

9 Q. Do you recall the date November 26th of 2017?

10 A. Yes.

11 Q. And why do you remember that date?

12 A. Isn't it the date when there was a car accident --

13 Q. And so --

14 A. -- involving my sister and her husband.

15 Q. So November 26th of 2017 would be a memorial for that  
16 accident?

17 A. Yes.

18 Q. Do you recall Loren Shakespeare coming by your house on  
19 November 30?

20 A. Yes.

21 Q. And do you remember why he stopped by?

22 A. There was a knock at the door. I was baby-sitting two  
23 granddaughters. And at the door there was Loren and Alfred  
24 Spoonhunter, Junior, another nephew. And I told them hello,  
25 and they came in. And Loren was visibly upset. He was just

1 kind of moving around, and I said, "What's wrong."

2 He said, "Can you call 911?"

3 And I said, "What's wrong? What's going on?"

4 And he said, "There's something wrong at my house,"  
5 he said. And my granddaughter at that time came up and asked  
6 him about her cupcake. I was cooling cupcakes; I made some.

7 And Alfred, Junior, in the meantime kept talking. He  
8 said, "There's a real strange, bad smell at his house, and he  
9 wants the police over there."

10 And so I did call 911 and talked to a dispatcher.  
11 They wanted to talk to Loren, so I handed the phone to him.  
12 And he said, "They want you to take me over there when you see  
13 a police car there." So I said all right. So when we seen  
14 the red and blue lights there, then I drove him over. And the  
15 officer came over and said not to get off the car.

16 Q. And let me stop you there, Mrs. Moss. So you remember  
17 calling a dispatcher?

18 A. Yes.

19 Q. And talking to them about Loren's predicament of the smell  
20 in his house?

21 A. Yes.

22 MR. CONDER: Your Honor, at this time the United  
23 States would move to admit and to present to the jury  
24 Government's Exhibit 2-1, which is the 911 recording.

25 THE COURT: Any objections?

1 MS. AMRAM: No, Your Honor.

2 THE COURT: Exhibit 2-1 will be admitted and may be  
3 displayed or --

4 (Government's Exhibit 2-1 received.)

5 MR. CONDER: And, Your Honor, before we do that, if  
6 the Court would permit, Government's Exhibit 2-2 is a  
7 transcript of that recording. The United States would not  
8 move to admit that as evidence but to simply publish it to the  
9 jury for them to aid in listening to the recording.

10 THE COURT: Any objections, Counsel?

11 MS. AMRAM: No, Your Honor.

12 THE COURT: All right. I'll go ahead and allow that  
13 to be distributed through the Clerk of Court.

14 Ladies and gentlemen, this transcript will serve as  
15 an aid. To the extent that what you hear is different than  
16 what's on that transcript, it is what you hear that will  
17 control.

18 (Playing audio recording.)

19 Q. (BY MR. CONDER) Mrs. Moss, having listened to that, was  
20 that you on the recording?

21 A. Yes, it was.

22 Q. And is that the phone call you made on November 30?

23 A. Yes, I did.

24 MR. CONDER: May I have a moment, Your Honor?

25 THE COURT: You may.

1 MR. CONDER: No further questions of this witness,  
2 Your Honor.

3 THE COURT: All right. Cross-exam.

4 MS. AMRAM: No questions, Your Honor.

5 THE COURT: All right. May this witness be released  
6 from any subpoenas, Mr. Conder?

7 MR. CONDER: Yes, Your Honor.

8 THE COURT: Ms. Amram?

9 MS. AMRAM: Yes.

10 THE COURT: Ma'am, you may step down. You're free to  
11 go. Thank you.

12 MR. CONDER: Your Honor, the United States would next  
13 call Alise Trosper.

14 THE COURT: All right. Alise Trosper will come  
15 forward and be sworn.

16 (The witness was sworn.)

17 THE COURTROOM DEPUTY: Please state and spell your  
18 name for the record.

19 THE WITNESS: My name is Alise Trosper. A-L-I-S-E,  
20 last name, Trosper, is T-R-O-S-P-E-R.

21 THE COURTROOM DEPUTY: Please state your occupation  
22 and your city of residence.

23 THE WITNESS: I am currently a school resource  
24 officer at Wyoming Indian High School, and I live at Ethete,  
25 Wyoming.



1 THE COURTROOM DEPUTY: Thank you.

2 ALISE TROSPER, GOVERNMENT'S WITNESS

3 DIRECT EXAMINATION

4 BY MR. CONDER:

5 Q. Good afternoon, Officer Trosper.

6 A. Good afternoon.

7 Q. If you could tell the jury, what is a school resource  
8 officer? What do you do?

9 A. I enforce the laws, the tribal laws, for the schools. If  
10 there's any criminal activity, child abuse cases, drug  
11 activity, gang activity, and also we got an MOU agreement with  
12 BIA where I help out with assisting on calls and stuff.

13 Q. How long have you been a school resource officer?

14 A. I started December 3rd of 2018. Prior to that I was with  
15 BIA for about -- a little over four years.

16 Q. And if you could tell the jury, what does BIA stand for?

17 A. Bureau of Indian Affairs.

18 Q. So you were a police officer for them?

19 A. Yes.

20 Q. And where did you work? Where was your duty station?

21 A. Wind River.

22 Q. And is that the Wind River Indian Reservation?

23 A. Yes.

24 Q. And where are you from? Where'd you grow up?

25 A. I grew up on the Wind River Reservation. It's where I'm

1 from.

2 Q. And if you could, what were your job duties as a BIA  
3 police officer?

4 A. Patrolled the Wind River Reservation, enforced the laws,  
5 responded to calls, whether it be medical to crimes.

6 Q. Were you working as a patrol officer on November 30, 2017?

7 A. Yes.

8 Q. And why do you recall that?

9 A. What do I recall then? Well, I was patrolling on the  
10 reservation, and the call came in for 331 Great Plains about a  
11 dead body smell in the crawl space.

12 Q. And do you recall what time of day that was?

13 A. I -- it was in the evening time. I think it was like  
14 around 1800 hours, or 6 p.m., somewhere around there.

15 Q. Was it dark out?

16 A. Yes.

17 Q. And so you got the call. What was your response to that  
18 call?

19 A. Well, I was pretty close near it. I arrived on scene. I  
20 knocked on the door. Nobody responded. So I tried the  
21 doorknob, and it was open. In my experience prior to that,  
22 that residence, sometimes people won't answer. They just, you  
23 know, will wait until we open the door, and they'll talk to us  
24 then.

25 So I opened the door and announced as "police."

1 Nobody answered. And then I didn't know what was going on,  
2 because it was a 911 call with a dead body in the crawl space.  
3 I didn't know if anybody else was in danger. So myself and  
4 Officer Imasa showed -- or cleared the house. We didn't find  
5 anyone.

6 And then we could smell a -- it was like decaying  
7 flesh. So we checked the whole house upstairs. I checked  
8 upstairs, and then we proceeded to go downstairs into the  
9 basement. And that's where we saw some items about the floor,  
10 and there was a couple of cans that were indented and had  
11 blood on them. Then we saw blood, like, in the crawl space  
12 opening, and then there was blood on that ledge. And inside  
13 the crawl space we couldn't really see anything. It was just  
14 a bunch of trash there.

15 So we stopped there, went outside, and that's when I  
16 made contact with Alice Moss and Loren Shakespeare. I can't  
17 recall the other guy's name.

18 Q. Okay. And just backing up, so when you're down in the  
19 basement, what did you note? What did you see? What did you  
20 notice, and what did you do when you were down there?

21 A. Well, the smell -- well, the smell was pretty bad, and the  
22 blood and the indented cans of food, which led me to believe  
23 that there was possibly a crime scene down there. So we kind  
24 of stopped and didn't want to mess up the crime scene, so we  
25 stopped to get gloves, and I think we got masks for -- to

1 breathe.

2 Q. And you said you talked to Loren Shakespeare?

3 A. Yes, outside, outside of the residence.

4 Q. And did he give you permission to go back in and --

5 A. Yeah. I talked to him, and he was telling us that he  
6 could smell, like, a dead body smell in the crawl space. I  
7 said, "Let us -- will you let us search?" And he said yes.  
8 That was -- that's why he called.

9 Q. The --

10 A. So we grabbed our gloves and the masks and went back  
11 inside the house. And Officer Imasa went through the crawl  
12 space and --

13 THE COURTROOM DEPUTY: I'm sorry.

14 Q. (BY MR. CONDER) Go ahead.

15 A. -- went into the crawl space and started looking through  
16 all the items that were in the basement. And the first -- the  
17 first time he went through, he couldn't find anything. Then  
18 he finally started digging through the stuff a little bit  
19 deeper, I guess. Underneath the carpet he found a deceased  
20 male.

21 Q. He found a dead body?

22 A. Yes.

23 Q. What -- once that was discovered, what did you and officer  
24 Imasa do?

25 A. We stopped at that moment, and we contacted -- or our

1 dispatch contacted the coroner and also the on-call agent.

2 Q. I would direct your attention to the screen in front of  
3 you and what's marked as Government's Exhibit Number 3-1.

4 THE COURT: It's being displayed to the witness and  
5 counsel only.

6 Q. (BY MR. CONDER) Officer Trosper, do you recognize -- tell  
7 the -- do you know what that is?

8 A. 331 Great Plains.

9 Q. And is that a photograph of 331?

10 A. Yes.

11 Q. And is it -- is that daylight or dark, the picture?

12 A. Daylight.

13 Q. Is that what it looked like when you got there?

14 A. No. It was dark.

15 Q. But you've been out there, and that's what that house  
16 looks like?

17 A. Yeah, that's what it looks like.

18 MR. CONDER: Your Honor, the United States would move  
19 to admit Government's Exhibit 3-1.

20 THE COURT: Any objections?

21 MS. AMRAM: No, Your Honor.

22 THE COURT: Exhibit 3-1 will be admitted and may be  
23 published.

24 (Government's Exhibit 3-1 received.)

25 Q. (BY MR. CONDER) So, Officer Trosper, growing up on the

1 reservation and being a police officer, are you familiar with  
2 the Great Plains housing area?

3 A. Yes.

4 Q. And the first question I would ask is, to help out the  
5 jury, just estimate. How far do you think Great Plains  
6 housing is from Riverton? You've made that drive before?

7 A. Less than 10 miles, roughly maybe 8 --

8 Q. Okay.

9 A. -- if that.

10 Q. And which direction is Riverton from the --

11 A. It's east of Great Plains.

12 Q. I would now direct your attention to what's marked as  
13 Government's Exhibit 3-2.

14 THE COURT: Exhibit 3-2 is being shown to the witness  
15 and counsel only.

16 Q. (BY MR. CONDER) Could you look at that and describe what  
17 that is and if you're familiar with it.

18 A. That's Great Plains.

19 Q. And is that an aerial photo of the Great Plains housing  
20 area, or part of it?

21 A. Yeah, partial.

22 Q. And can you see 331 Great Plains in that photo?

23 A. Yes.

24 MR. CONDER: May I approach the witness, Your Honor?

25 THE COURT: You may. If you want to go ahead and

1 hand it to the Clerk of Court, she'll hand it on to the  
2 witness.

3 Q. (BY MR. CONDER) Officer Trosper, you've been handed a  
4 paper copy of Government's Exhibit 3-2. And before we get on  
5 to that, looking at the screen, is -- that aerial photo, is  
6 that a true and accurate depiction of Great Plains housing,  
7 that area, as you know it?

8 A. Yes.

9 MR. CONDER: Your Honor, the United States would move  
10 to admit 3-2.

11 MS. AMRAM: No objection.

12 THE COURT: Exhibit 3-2 will be admitted and may be  
13 published to the ladies and gentlemen of the jury.

14 (Government's Exhibit 3-2 received.)

15 Q. (BY MR. CONDER) Officer Trosper, on the paper copy, would  
16 you be able to circle for the jury and place a black circle  
17 around the house at 331 Great Plains?

18 A. (Indicating.)

19 MR. CONDER: Your Honor, at this time the United  
20 States has received back from Officer Trosper 3-2 with a  
21 circle on it. The United States would move to admit it and  
22 capture it and publish it to the jury.

23 THE COURT: Any objections?

24 MS. AMRAM: No, Your Honor.

25 THE COURT: 3-1 -- I'm sorry. It's 3-2, which is the

1 one that's been marked on, will be admitted and may be  
2 published.

3 MR. CONDER: And, Your Honor, I would ask that we  
4 have it be 3-2 and add an A to that so we don't get confused  
5 later on.

6 THE COURT: Any objections.

7 MS. AMRAM: No, Your Honor.

8 THE COURT: 3-2 will be remarked as 3-2A, which is  
9 the picture with the black circle on it.

10 (Government's Exhibit 3-2A received.)

11 MR. CONDER: Thank you, Your Honor.

12 Q. (BY MR. CONDER) Officer Trosper, up on the overhead  
13 there, the house with the black circle around it, that is 331  
14 Great Plains; correct?

15 A. Yes.

16 Q. And that's where you went to the call on November 30,  
17 2017?

18 A. Yes.

19 Q. Next I would direct your attention to the screen what's  
20 marked as Government's Exhibit 3-3.

21 THE COURT: This is just being shown to the witness  
22 and counsel.

23 Ladies and gentlemen, are you seeing things come up  
24 on your screens when I publish them? No. That's why we have  
25 the big one, then, in the alternative. Do you have blue



1 little lights on in the corners of your monitors?

2 (Jurors nodding heads.)

3 THE COURT: Thank you.

4 Q. (BY MR. CONDER) Officer Trosper, in front of you is  
5 what's marked as Government's Exhibit 3-3. Do you know what  
6 that is?

7 A. Yes.

8 Q. What is that?

9 A. That's the Great Plains area.

10 Q. Is that an aerial photo?

11 A. Yes.

12 Q. Again, is that a true and accurate depiction?

13 A. Yes.

14 MR. CONDER: Your Honor, the United States would move  
15 to admit 3-3.

16 MS. AMRAM: No objection.

17 THE COURT: 3-3 will be admitted and may be  
18 published.

19 (Government's Exhibit 3-3 received.)

20 MR. CONDER: Your Honor, at this time I would submit  
21 a paper copy --

22 THE COURT: All right.

23 MR. CONDER: -- of 3-3A.

24 THE COURT: It will be marked 3-3A and submitted to  
25 the witness.

1 Q. (BY MR. CONDER) Officer Trosper, if you could take a look  
2 at that again, that's the aerial photo of Great Plains  
3 housing. If you could, place a black circle around the house  
4 that's located at 331 Great Plains Road.

5 A. (Indicating.)

6 MR. CONDER: Your Honor, at this time the United  
7 States has received back 3-3A, circled by Officer Trosper.  
8 The United States would move to admit and publish.

9 THE COURT: Any objection?

10 MS. AMRAM: No objection.

11 THE COURT: 3-3A will be admitted and may be  
12 published.

13 (Government's Exhibit 3-3A received.)

14 Q. (BY MR. CONDER) Officer Trosper, showing you on the  
15 overhead, again, if you could, in that photograph, on the top  
16 right-hand side of the picture, it looks like there's a bunch  
17 of cars parked and some bigger buildings. What is that?

18 A. One is Great Plains Hall; the other is the Arapahoe  
19 clinic.

20 Q. And those are just kind of government buildings?

21 A. Yes.

22 Q. And the house with the black circle, again, that's 331  
23 Great Plains?

24 A. Yes.

25 Q. Thank you. Officer Trosper, I would next direct your

1 attention to your screen and what's marked as Government's  
2 Exhibit 3-4. Could you tell the -- or are you able to  
3 identify what that is?

4 A. Yes.

5 Q. And what is that?

6 A. It's Great Plains housing area, 17 Mile, and Left Hand  
7 Ditch Road.

8 Q. Is that a true and accurate depiction of that area as you  
9 know it?

10 A. Yes.

11 Q. And there are various things marked on that photograph.  
12 Are those describing places? Are those accurate?

13 A. Oh, it's the tribal WIC and the social services, but the  
14 other two are correct.

15 Q. We'll now go to -- look at Government's Exhibit 3-5.

16 THE COURT: And, Counsel, did you want to hold off on  
17 3-4?

18 MR. CONDER: Yes.

19 THE COURT: All right. Very well.

20 Q. (BY MR. CONDER) Officer Trosper, if you could, look at  
21 3-5. Are you aware of what that is?

22 A. Yes.

23 Q. What is that?

24 A. It's Great Plains.

25 Q. Is that a true and accurate depiction?

1 A. Yes.

2 Q. And again, there are some markings on there. Are those  
3 markings in the correct place, or is it wrong?

4 A. Just those same two.

5 Q. Okay. So they're in the wrong spot?

6 A. Yes.

7 MR. CONDER: May I have a moment, Your Honor?

8 THE COURT: You may.

9 (Discussion off the record.)

10 MR. CONDER: No further questions at this time, Your  
11 Honor.

12 THE COURT: All right. Thank you.

13 Cross-exam.

14 MS. AMRAM: No questions, Your Honor.

15 THE COURT: All right. May this witness be released  
16 from any subpoena?

17 MR. CONDER: Yes, Your Honor.

18 THE COURT: Ms. Amram?

19 MS. AMRAM: Yes, Your Honor.

20 THE COURT: Ma'am, you may step down. You're free to  
21 go.

22 THE WITNESS: Thank you.

23 THE COURT: United States may call its next witness.

24 MR. CONDER: Your Honor, the United States would call  
25 Fremont County Coroner Mark Stratmoen. Your Honor, I would

1 note that Mr. Stratmoen may be a while. I'm just telling the  
2 Court. Not that I want to stop, but I'm just giving the Court  
3 a heads-up.

4 THE COURT: What's the anticipated length of his  
5 exam?

6 MR. CONDER: I believe at least an hour, Your Honor,  
7 at the very least.

8 THE COURT: All right. Ms. Amram, will you  
9 cross-exam?

10 MS. AMRAM: Some, Your Honor, yes.

11 THE COURT: Let's go ahead and get started. We'll go  
12 until about 5:15 or thereabouts or where you find a good place  
13 to rest. If I thought we could get him off tonight, I'd do  
14 that, but under the circumstances, ladies and gentlemen,  
15 you've had a long day, so we'll take a recess around 5:15.

16 (The witness was sworn.)

17 THE COURTROOM DEPUTY: Please state and spell your  
18 name for the record.

19 THE WITNESS: Mark Stratmoen, M-A-R-K  
20 S-T-R-A-T-M-O-E-N.

21 THE COURTROOM DEPUTY: Please state your occupation  
22 and your city of residence.

23 THE WITNESS: I'm the coroner of Fremont County, and  
24 my city of residence is Riverton, Wyoming.

25 THE COURTROOM DEPUTY: Thank you.

1 MARK STRATMOEN, GOVERNMENT'S WITNESS

2 DIRECT EXAMINATION

3 BY MR. CONDER:

4 Q. Mr. Stratmoen, you indicated that you're the Fremont  
5 County coroner. How long have you been the county coroner?

6 A. I was elected four years ago, and I'm just starting my  
7 second term.

8 Q. And when did you start your second term?

9 A. As of today.

10 Q. How many folks work in your office at the Fremont County  
11 coroner?

12 A. We have three people total in the office, including me  
13 myself, a chief deputy, and one other deputy.

14 Q. And how long have you been the -- have you been in the  
15 Fremont County coroner's office, not just as the coroner but  
16 in the office?

17 A. As of this weekend, I've been working in the coroner's  
18 office in Fremont County for 20 years.

19 Q. And what type of training and education did you receive to  
20 get this job?

21 A. To be elected as a county official, there's no specific  
22 requirements to run for coroner. However, once you are  
23 elected, you have to be state certified by taking Coroner  
24 Basic at the Wyoming Law Enforcement Academy and, to maintain  
25 that certification, get at least 20 hours of continuing

1 education every two years.

2 Q. And before you got elected and when you were working under  
3 the prior county coroner, what were your job duties? What did  
4 you do?

5 A. I was a regular deputy for 16 years before I was elected  
6 coroner, and seven of those years I was chief deputy.

7 Q. And so if you could tell the jury, just what does a county  
8 coroner do?

9 A. The main responsibilities of a county coroner are to  
10 investigate deaths that fall under his jurisdiction. The main  
11 duties are to identify the deceased, to determine a cause of  
12 death, a manner of death, and to provide for -- and to make  
13 sure notification of next of kin has been completed.

14 Q. And generally, how do you get involved in -- how do you  
15 get -- how do you get called?

16 A. We get dispatched through the Fremont County Sheriff's  
17 Office when a report of a death is called in to them.

18 Q. And do you cooperate and work with law enforcement?

19 A. Yes. In Fremont County I work with the Lander Police  
20 Department, the Riverton Police Department; as far as state  
21 agencies, the Wyoming Highway Patrol, state Division of  
22 Criminal Investigation if they're involved. And Fremont  
23 County also has very large reservation included in it, so I  
24 work with the Bureau of Indian Affairs police, the Wind River  
25 Police Department, and the FBI.

1 Q. So when you get a call that there's a body somewhere, what  
2 do you do, and what happens when your work's done? How is  
3 your work done?

4 A. Our work -- once we're dispatched to a scene, the first  
5 thing is to, of course, figure if it is coroner jurisdiction.  
6 And then working with the different law enforcement agencies,  
7 we do our own investigations, which includes our scene  
8 investigation, may include an autopsy. We review medical  
9 records. We look at the other agency reports. It's quite a  
10 cooperative operation.

11 Q. And do you -- does your office issue the death  
12 certificate?

13 A. Yes. In the state of Wyoming, either a physician or a  
14 coroner are the only people that can certify a death.

15 Q. And if you could, what is a death certificate?

16 A. Death certificates are prepared and filed and maintained  
17 by the state Department of Vital Records. It is basically a  
18 certification that gives the basic facts of a death, including  
19 the manner and cause of death, the date and time if known,  
20 some basic demographics as far as ancestry. It also includes,  
21 if it's a suspicious death or a nonnatural death, a brief  
22 outline of the circumstances.

23 Q. And just an estimate, how many callouts or cases do you  
24 get called out on a year?

25 A. We average, in Fremont County, about 150 cases a year.



1 Q. And with regard to body recovery and death scene  
2 investigations, how many do you think you've gone a part of?

3 A. Our database doesn't track everybody that goes on a case,  
4 so in the 20 years I couldn't tell you exactly the total  
5 number of cases I've been on. However, we do track who is the  
6 chief investigator for a case, and so I've been the lead  
7 investigator on well over 750 cases, including over 280  
8 nonnatural cases.

9 Q. And when you say nonnatural, what does that mean?

10 A. Nonnatural would include homicide, suicide, accident, and  
11 a category called undetermined, where no regular manner of  
12 death has been able to be discovered.

13 Q. And have you had the opportunity to provide training in  
14 this field?

15 A. Yes. Over the course of my career, I will regularly offer  
16 training or be asked to provide training at different seminars  
17 or training for other coroners or law enforcement.

18 Q. And have you received any certification or professional  
19 accreditations?

20 A. Other than the certifications to maintain my state  
21 certification, I was also certified as a medical-legal death  
22 investigator for the federal DMORT, which is a mass fatality  
23 response team for Region 8 that includes things like I was  
24 deployed to Hurricane Katrina and the aftermath of that.

25 Q. What did that certification and training entail?

1 A. That deals more with working as a team and working with a  
2 lot of the response teams that most people would be familiar  
3 with in terms of the response to a hurricane, the numbers of  
4 mass fatalities that have to be investigated, retrieved,  
5 identified, and determined if it is -- if their manner of  
6 death is as a result of whatever action that occurred or event  
7 that occurred or was it the result of something that -- say, a  
8 homicide that occurred during the hurricane, things like that.

9 Q. And do you participate in any professional groups or  
10 associations regarding your coroner work?

11 A. I'm currently president of the Wyoming Coroner's  
12 Association. I'm just finishing up having been appointed to  
13 the governor's task force on organ donation, and I formerly  
14 was in the federal team. I resigned when I was elected  
15 coroner.

16 Q. And have you ever written any articles or publications in  
17 the field of death investigations?

18 A. I've written three books on death investigation: one  
19 concerning the difficulties of investigating deaths that turn  
20 out to be undetermined; one regarding the statutes, the  
21 Wyoming law, procedures, and recommended policies for  
22 coroners; and one that was a study of the forensics involved  
23 in historic coroner inquests.

24 Q. I would now point your attention to the screen in front of  
25 you and what's marked as Government's Exhibit 4-1.

1 Mr. Stratmoen, are you familiar with what that is?

2 A. Yes. That would be the résumé that I gave to you.

3 Q. Is that -- is your résumé current and accurate as --

4 A. It's accurate at the time that was made in November of  
5 2018, but we still have had cases, so my numbers have gotten  
6 bigger since the ones that are on there.

7 MR. CONDER: Your Honor, at this time the United  
8 States would move to admit 4-1.

9 THE COURT: Any objections?

10 MS. HUCKE: No objection.

11 THE COURT: 4-1 will be admitted and may be published  
12 to the ladies and gentlemen of the jury.

13 (Government's Exhibit 4-1 received.)

14 MR. CONDER: Your Honor, at this time, based upon  
15 Mr. Stratmoen's experience, the United States would move to  
16 admit him as an expert in death investigations.

17 THE COURT: All right. He may testify to the extent  
18 that he is qualified, subject to objection.

19 Q. (BY MR. CONDER) Mr. Stratmoen, on November 30, 2017, were  
20 you called out to assist?

21 A. Yes.

22 Q. And if you -- do you recall who called you?

23 A. I would have been dispatched by the Fremont County  
24 Sheriff's Office.

25 Q. And do you recall what the call was about?

1 A. The call originally came in as there was a possible  
2 deceased located in a crawl space at a house located out on  
3 the reservation.

4 Q. And so once you learned this, what did you do?

5 A. My procedure would be that I would get in my vehicle and  
6 then proceed to the scene.

7 Q. And did you do that?

8 A. Yes, I did.

9 Q. And did anyone else go with you or anyone from your  
10 office?

11 A. On receiving the call that this was someone that was  
12 possibly located in a crawl space beneath a house, confined  
13 space recoveries and investigations can be complicated and  
14 quite involved. So I also notified my chief deputy and my  
15 other deputy to also respond.

16 Q. And so did you end up going to 331 Great Plains?

17 A. Yes, I did.

18 Q. And do you recall what time it was?

19 A. I believe I was dispatched about 6:30 in the evening.

20 Q. And so once you got there, just generally, what did you  
21 learn? What did you observe?

22 A. Standard procedure when we arrive at a scene is that we  
23 confer with the law enforcement that is on the scene, get a  
24 general assessment of what's going on. And in this case other  
25 investigators had not arrived yet, so we wait until all the

1 necessary investigators from the other agencies arrive.

2 Q. And once that -- did that happen?

3 A. Yes.

4 Q. And once that happened, what did you do?

5 A. Standard procedure is that we discuss what we know outside  
6 of the scene and then decide on what the best approach would  
7 be. The scene belongs to law enforcement. The body basically  
8 belongs to the coroner as far as jurisdiction. But we all  
9 discuss in detail how best to approach a situation. And then  
10 the first thing that usually occurs after that and did in this  
11 case was that we do just a very basic walkthrough of the  
12 general scene to assess what we're up against, what are we  
13 going to need, what sort of materials, and how best to  
14 approach the subject at hand.

15 Q. And when you got there, once you spoke with law  
16 enforcement, what did you observe about the house upon  
17 arrival? Walk us through what you saw on the outside.

18 A. When I got there, BIA officers already had a cordon of  
19 scene tape around the house to establish a perimeter. We did  
20 not enter the house, of course, until the other investigators  
21 arrived. The one thing that I can do and that we did in this  
22 case was that we can start by taking peripheral pictures at a  
23 distance around a building, and I did do that.

24 Q. And I would show you if you'd look at the screen in front  
25 of you what's marked as Government's Exhibit 4-2. Are you

1 familiar with that?

2 A. Yes.

3 Q. And what is that?

4 A. That would be the front of the house at 331 Great Plains  
5 Road.

6 Q. And is that a true and accurate depiction of the scene as  
7 you saw it that night?

8 A. Yes.

9 MR. CONDER: Your Honor, the United States would move  
10 to admit and publish 4-2.

11 MS. HUCKE: No objection.

12 THE COURT: 4-2 will be admitted and may be published  
13 to the ladies and gentlemen of the jury.

14 (Government's Exhibit 4-2 received.)

15 Q. (BY MR. CONDER) Mr. Stratmoen, looking at Government's  
16 Exhibit 4-2, is that the front side of the house or the back  
17 side of the house?

18 A. That's the front side of the house, the house that is  
19 facing west, towards the street.

20 Q. And is that the front door?

21 A. Yes. That's the front door and main entry to the home.

22 Q. At this time, Mr. Stratmoen, I'd point your attention to  
23 what's marked as Government's Exhibit 4-3 in front of you on  
24 the screen. Do you recognize that?

25 A. Yes, I do.

1 Q. And what is that?

2 A. That would be the rear side of the house, opposite of the  
3 previous view.

4 Q. And is that a true and accurate depiction of the scene as  
5 you saw it that night?

6 A. Yes, it is.

7 MR. CONDER: Your Honor, the United States would move  
8 to admit and publish 4-3.

9 MS. HUCKE: No objection.

10 THE COURT: 4-3 will be admitted and may be published  
11 to the ladies and gentlemen of the jury.

12 (Government's Exhibit 4-3 received.)

13 Q. (BY MR. CONDER) Mr. Stratmoen, with regard to  
14 Government's Exhibit 4-3, were you able to eventually go  
15 inside this residence?

16 A. Yes, I was.

17 Q. And so once you got in and -- looking at this photo, do  
18 you know where those windows on the bottom picture -- there's  
19 two windows. Where do those go to?

20 A. Yes. The interior of the house is of a construction that  
21 has kind of a half basement. The foundation comes up a ways,  
22 and then those two bottom windows are sitting on top of the  
23 foundation to the basement and actually are accessed from the  
24 basement.

25 Q. So those two bottom windows would be the basement --

1 A. Yes.

2 Q. -- windows.

3           Going back -- I apologize for that -- to 4-2, similar  
4 question. Those windows on the bottom right side of the  
5 photograph, where do those windows go to? Are those basement  
6 window as well?

7 A. Yes, they are basement windows.

8 Q. Next I would direct your attention to 4-4 on the screen in  
9 front of you. And are you familiar with that?

10 A. Yes, I am.

11 Q. And what is that?

12 A. That would be the single level of the split-level home,  
13 again looking at it from the front side of the home.

14 Q. And is that a true and accurate depiction?

15 A. Yes, it is.

16           MR. CONDER: Your Honor, the United States would move  
17 to admit 4-4 and publish.

18           MS. HUCKE: No objection.

19           THE COURT: 4-4 will be admitted and may be  
20 published.

21           (Government's Exhibit 4-4 received.)

22 Q. (BY MR. CONDER) Mr. Stratmoen, is this -- this photo, is  
23 this at the front door or the back door, the side door? Where  
24 is that?

25 A. That would be the front door. That is an entry into the



1 main living area.

2 Q. And do you recall how many doors were in that house?

3 A. Directly opposite, on the other side of the house or the  
4 back side, there is also another door that leads out to the  
5 backyard.

6 Q. I would now direct your attention in front of you to  
7 what's marked as 4-5. Are you familiar with that photograph?

8 A. Yes, I am.

9 Q. And is that a true and accurate depiction?

10 A. Yes, it is.

11 MR. CONDER: Your Honor, the United States would move  
12 to admit 4-5 and publish.

13 MS. HUCKE: No objection.

14 THE COURT: 4-5 will be admitted and may be  
15 published.

16 (Government's Exhibit 4-5 received.)

17 Q. (BY MR. CONDER) And, Mr. Stratmoen, again, is this the  
18 front door that you previously described in 4-4?

19 A. Yes. It is just a closer view.

20 Q. So was there a time when you were at the scene you were  
21 able to go through, and did go through that front door?

22 A. Yes, I did, later on.

23 Q. And once you went through that front door, could you  
24 describe to the jury what you saw.

25 A. Basically the living area of the home was in not too bad

1 of shape, relatively unkempt, somewhat messy, not very good  
2 housekeeping, with standard furniture and other personal  
3 property that you would expect to see in a living room area.

4 Q. I would direct your attention to what's marked as  
5 Government's Exhibit 4-6 in front of you. Are you familiar  
6 with that?

7 A. Yes, I am.

8 Q. And what is that?

9 A. That's standing just inside the front entry in the  
10 previous photo, and we're looking into the living area and on  
11 through into the attached kitchen.

12 Q. And is that a true and accurate depiction?

13 A. Yes, it is.

14 MR. CONDER: Your Honor, the United States would move  
15 to admit 4-6.

16 MS. HUCKE: No objection.

17 THE COURT: 4-6 will be admitted and may be published  
18 to the ladies and gentlemen of the jury.

19 (Government's Exhibit 4-6 received.)

20 Q. (BY MR. CONDER) Mr. Stratmoen, again, that's a photograph  
21 of you walking in the front door?

22 A. Yes. That would be the scene as we walked in the front  
23 door as we would have seen it that evening.

24 Q. And that is the living area with the couch there and the  
25 cooler?

1 A. Yes.

2 Q. And then what's behind that?

3 A. Behind that you can see an open area into an open  
4 kitchen-dining area.

5 Q. And I would now direct your attention to 4-7. And is that  
6 a photograph?

7 A. Yes. That would be another view of the living room area  
8 from probably a few steps farther in from the front door.

9 Q. And is that a true and accurate depiction of the scene you  
10 saw that night?

11 A. Yes, it is.

12 MR. CONDER: Your Honor, the United States would move  
13 to admit and publish 4-7.

14 MS. HUCKE: No objection.

15 THE COURT: 4-7 will be admitted and may be published  
16 to the ladies and gentlemen of the jury.

17 (Government's Exhibit 4-7 received.)

18 Q. (BY MR. CONDER) Again, Mr. Stratmoen, is that a  
19 continuing view of the living room?

20 A. Yes, it is.

21 Q. And is that the same condition as you saw it that night?

22 A. Yes, it is.

23 Q. And again, in the back, would that be the kitchen you  
24 described?

25 A. Yes, a little bit wider view of the kitchen.

1 Q. Next I would direct your attention to 4-8. And is 4-8 a  
2 photograph?

3 A. Yes.

4 Q. And is that a true and accurate depiction?

5 A. Yes, it is.

6 MR. CONDER: Your Honor, the United States would move  
7 to admit 4-8 and publish.

8 THE COURT: 4-8 will be admitted and may be  
9 published.

10 (Government's Exhibit 4-8 received.)

11 Q. (BY MR. CONDER) Mr. Stratmoen, if you could tell the jury  
12 what 4-8 is a photo of.

13 A. What you're seeing here is we're now standing pretty much  
14 in the living room, and you're looking again into and seeing a  
15 small dining area with an attached kitchen. You have a  
16 stairway off to the right that goes up to the top level of the  
17 split level. Right beyond that you have a stairway that goes  
18 down into the basement. And then straight against the far  
19 wall is the door that leads to the outside and the backyard.

20 Q. I would now direct your attention on to what's marked as  
21 4-9. And is that a -- on just the screen in front of you, is  
22 that a photograph?

23 A. Yes, it is.

24 Q. And is it a true and accurate depiction of --

25 A. It is.

1 MR. CONDER: Your Honor, the United States would move  
2 to admit 4-9 and publish as well.

3 MS. HUCKE: No objection.

4 THE COURT: 4-9 will be admitted and may be published  
5 to the ladies and gentlemen of the jury.

6 (Government's Exhibit 4-9 received.)

7 Q. (BY MR. CONDER) Again, if you could, Mr. Stratmoen,  
8 describe what that's a photograph of.

9 A. Again, in this view you're standing a little bit farther  
10 into the living room and looking towards the south wall of the  
11 living room and kitchen area. Starting with the left, you see  
12 just a little bit of the rear exit door. There's a closet,  
13 then again the door going to the basement area, and then the  
14 stairway going up to the top level of the split level.

15 Q. Thank you.

16 MR. CONDER: Your Honor, the United States would just  
17 note for the Court that we have several more questions, and  
18 the United States is willing to continue to proceed but just  
19 wanted to make the Court aware if the Court wanted me to stop.

20 THE COURT: Is this an easy spot for you to stop?

21 MR. CONDER: As good as any, Your Honor. We could  
22 pick up with 4-10 tomorrow.

23 THE COURT: All right. We will begin with 4-10  
24 tomorrow morning.

25 Ladies and gentlemen, we'll take -- easy for me to

1 say. We will take our evening recess at this time. I'll  
2 remind you of the recess instruction.

3 Don't talk about this case with anyone. Don't allow  
4 anyone to talk to you about this case. You may simply tell  
5 your family that you are on jury duty and have been selected  
6 to serve in a case and you will discuss all the details after  
7 you've completed your duties as a juror and the verdict has  
8 been received.

9 In the interim, please don't read any articles or  
10 watch any news reports concerning this matter. You may only  
11 consider that evidence introduced from this courtroom during  
12 this trial.

13 Please don't discuss this case or begin deliberating  
14 this case until you've heard all the evidence, the  
15 instructions of law by this Court, the arguments of counsel,  
16 and the thoughts of your other jurors.

17 So we'll stand in recess until 8:30 a.m. tomorrow  
18 morning, and we'll resume with Exhibit 4-10. Have a good  
19 night.

20 Please rise.

21 (The jury exited the courtroom at 5:22 p.m.)

22 (The following took place outside the presence of the  
23 jury.)

24 THE COURT: Mr. Stratmoen, you may take a seat or  
25 step down if you wish.

1 THE WITNESS: Thank you.

2 THE COURT: Anything we need to address before we  
3 return tomorrow morning at 8:30 a.m., Mr. Conder?

4 MR. CONDER: Nothing for the United States.

5 THE COURT: Ms. Amram?

6 MS. AMRAM: No, Your Honor.

7 THE COURT: All right. I'll continue my research  
8 regarding the issue, and I'll try to have an answer for you in  
9 the morning.

10 MR. CONDER: Thank you, Your Honor.

11 THE COURT: Have a good evening.

12 (Proceedings concluded at 5:22 p.m., January 7, 2019.)

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C E R T I F I C A T E

I, ANNE BOWLINE, Court Reporter in the state of Wyoming, a Registered Merit Reporter and Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the proceedings contained herein on the aforementioned subject on the date herein set forth, and that the foregoing 215 pages constitute a full, true and correct transcript.

Dated this 1st day of May, 2019.

/s/ Anne Bowline

ANNE BOWLINE  
Registered Merit Reporter  
Certified Realtime Reporter